

# The Nation.

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## The Week.

THE Legislative Appropriation Bill, as passed by the Senate, was, in spite of sundry objectionable amendments, accepted by the House on Friday, and has gone to the President for his action upon it. On the same day the Senate by 34 to 12 passed the measure popularly known as the Yellow Fever Bill, but strictly to be designated as "a bill to prevent the introduction of contagious or infectious diseases into the United States," which was the occasion of a very interesting debate. The bill practically supersedes State quarantine, internal and external, and invests the National Board of Health, subject to the President's approval, with extraordinary powers of supervision and regulation for the sanitary defence of the country. The curiosity of the situation was that the ultra defenders of State-rights on all political issues were here, for sectional and party reasons (the South being in mortal dread of a recurrence of the fever), stanch upholders of the Government's right to protect the Union against the sanitary neglect of any State; while Mr. Edmunds and Mr. Conkling and Mr. Hoar denied the constitutionality of the bill even as an inference from the power to regulate commerce. Mr. Edmunds, who lately demonstrated that there was such a thing as "United States peace," denies that the "health of the United States" has any recognition in the Constitution. This matter he considers relegated to the States, along with other details of personal conduct, such as, we may suggest, the regulation of marriage. The noes were mainly Republican, and this gives point to what is really a fresh illustration of the irresistible tendency of the country towards centralization, one party assisting in it (however illogically) whether the other will or not. The Senate has also discussed a bill providing for the redemption of the subsidiary silver coins in multiples of \$10 or \$20 at the Treasury, Mr. Thurman acutely objecting to it as an unlimited means of procuring gold in exchange for a limited legal-tender of much inferior value. Mr. Edmunds also made the point that the redemption of coin was no part of a Government's business, and that if the bill passed in due time there would be a clamor for the redemption of the depreciated silver dollar.

After a good deal of filibustering the majority in the House succeeded on Saturday morning in passing the Warner Silver Bill, amended but still left in a highly mischievous condition, by a vote of 114 to 97. It is in itself an amendment of seven specified sections of the Revised Statutes, fixing the gold and silver coins of the United States, and providing that the owners of silver bullion may deposit it at any mint for coinage into standard silver dollars, at charges equal to the difference between the market value of the bullion in New York City and the legal-tender value of the coin—said market value to be the value of bullion in coin of the same metal at its legal-tender value in New York and San Francisco for the week preceding the deposit; providing also for the paying out of subsidiary coins in exchange for silver dollars or greenbacks; requiring the Secretary of the Treasury to pay out silver without discrimination (except to Congressmen; Mr. Warner would not allow a vote on this proposition) "in liquidation of all kinds of money obligations against the Government"; making the subsidiary coins legal-tender up to \$20; requiring the Secretary to issue certificates for gold or silver bullion deposits in sums of not less than \$20, and in convenient denominations of not less than \$5, corresponding with the denominations of U. S. notes, these certificates to be receivable "at par in payment for all dues to the United States, including duties on imports," and when returned to be the signal for coining the bullion deposited against them, as the then property of the Government.

It has been a week of rapid changes in the financial markets. A large amount of money was drawn into the Treasury from the banks in settlement of 4 per cent. bond contracts made early in the year, and in payment for ten-dollar certificates. The result was a depletion of the New York bank reserve from a surplus of about \$11,000,000 to \$5,500,000. This made the rates for money loans irregular; on several days the Stock Exchange rate having been as high as 7 and as low as 3 per cent. The sales of ten-dollar certificates were stopped in the leading cities on Tuesday because it was found that large amounts were taken there by brokers' agents for conversion after July into 4 per cent. bonds, and that the certificates were not going into the hands they were designed for. All the bond issues of the Government were strong early in the week, but in the latter part they declined  $\frac{1}{2}$  to  $\frac{1}{4}$ , led by the 4 per cents. The passage by the House of the Warner Silver Bill had something to do with the decline, but it was mainly owing to the sales of 4 per cents by speculators. Silver bullion in London advanced to 51*d.* per ounce, and here the bullion value of the 412 $\frac{1}{2}$ -grain dollar advanced to \$0.8623. At the Stock Exchange the spirit of speculation ran high, and, although there is no prospect that the Warner Bill will become a law, the inflation which the silver-certificate part of it authorizes gave a stimulus to speculators.

Ohio will soon be the scene of a most exciting political conflict which will have nothing to do with Ohio politics, but will derive its importance from its relation to the Presidential campaign of next year. The two chief candidates for the Democratic nomination for Governor are Mr. Richard Bishop and Mr. Thurman, the former representing the "Tilden wing" of the party, the latter being, of course, a candidate for the Presidency. There seems to be great doubt, however, whether at the last moment he may not decline again, as he has once already, to run, and throw the nomination into the hands of one of his friends. Those who have made a close study of Mr. Tilden's purposes think that his plan is to have Thurman nominated and then overwhelmingly defeated through the aid of Bishop, thus demonstrating that Ohio, like New York, cannot be carried without assistance from him. In the Republican camp Judge Taft and Mr. Charles Foster are the prominent candidates for the governorship, Judge Taft representing the "Stalwarts" and Mr. Charles Foster the "Liberals." Here too the whole aspect of affairs may be changed at the last moment by the appearance on the scene of Mr. Sherman, who has written a letter saying that he is not a candidate for the Governorship and suggesting what kind of a platform he would put forward if he were a candidate for the Presidency. This, it is needless to say, embraces as one of its planks "an honest dollar," a kind of dollar that ought to be popular with everybody, and would probably be found to consist of four honest quarters, ten honest dimes, and so on. The dime and the quarter may be humble, but ought they not to be honest too? Judge Taft is violently attacked by Mr. Foster's friends on account of his share in the "Bible in the Public Schools" decision of some years ago, and it is being conclusively proved by means of interviews with clergymen that "Taft's nomination would cost the party thousands of votes."

We trust Mr. McCulloch is not doing mischief by the hopes he is exciting in the breasts of the silver-men by his conversations about the probability of a remonetization of silver by France, England, and Germany. He had a talk the other day with the reporter of the Boston *Herald*, in which he declared that "the leading business men of England" and "the leading commercial interests of Great Britain all favor the measure." No change so great as the remonetization of silver is likely to be made in England without much enquiry and discussion and agitation, and we must call Mr. McCulloch's attention to the fact that nothing of the kind is yet

visible. There have been articles by two business men of prominence in one of the monthlies in favor of the measure, but we do not know of a single newspaper or periodical which advocates it, or, if in favor of it, gives much notice to it. It has not been debated in Parliament or recommended by any Parliamentary committee, and, in fact, has assumed no prominence whatever in public among the remedies recommended for the prevailing distress, while a change in the tariff is loudly called for by a considerable body of persons not without influence. Moreover, we cannot think it quite safe even for a gentleman of Mr. McCulloch's wide experience to lay it down that the immense yield of the silver-mines with which we are now threatened "would be counterbalanced by the wide diffusion of the metal in the shape of currency," for he knows as well as any one that the greatest difficulty of the silver question is to secure this "wide diffusion." In fact, there never was a question in which it was less safe at this moment to trace out any plan of action.

The death of Mr. William Lloyd Garrison on Saturday night, at the ripe age of seventy-four, was not simply the close of a life of extraordinary completeness, but may be said to mark also the final triumph of an idea which began to fight more than two thousand years ago, and which, though it found strongest and most marked expression in the anti-slavery agitation within the present century, has in reality revolutionized politics and created the modern State. We mean the idea that nobody exists for anybody else's benefit, and that every man is entitled to a fair opportunity of making the most of himself; in short:

"That not a worm is cloven in vain,  
That not a moth with vain desire  
Is shrivelled in a fruitless fire,  
Or but subserves another's gain."

The idea has had no more uncompromising and tenacious champion than Mr. Garrison, and he has had the rare good fortune to see all opposition to it die out before he himself had to rest from his labors. We must reserve until next week a fuller appreciation of those labors and of him.

The report of the Assembly committee on the Brooklyn Bridge is a rather inconclusive document. They report that the bridge when finished will obstruct vessels with masts more than one hundred and thirty feet in height; or, in other words, that many sailing vessels will have to lower their topmasts in order to pass it. The question of the navigability of the East River, however, is a national and not a local matter; and, if there is any truth in the stories about the damage the bridge is going to do to navigation, the whole matter ought to be investigated by the United States through a competent committee of engineers. Such an examination was made some years ago, and if the plan of the bridge has been since changed so as to make the favorable report then obtained inapplicable to the present structure, the same authority should be appealed to again. The idea that the report of an Albany Assembly committee on the subject should carry any weight would probably have never occurred to anybody but political "workers" who were anxious to use the bridge for their own purposes. Anywhere except in New York the construction of a great public work of this kind would have been placed from the first in the hands of competent and disinterested men, with authority to build it and pay for it. Under our system it was begun twelve years ago and is not finished yet. It was to have cost \$3,000,000, and it will probably cost \$15,000,000. It was started as a stock company, and then "unloaded" on the two cities; it is still the foot-ball of the politicians and the courts, the Comptroller of this city having within the past year endeavored to make a little cheap popularity out of a refusal to advance the money due from the treasury for its construction. It is a curious illustration, too, of the barbarous condition of the public mind on economical questions that the bridge is from time to time bitterly denounced by New York newspapers as built wholly in the interest of Brooklyn, as if an additional highway between two cities containing each a million or so of people could possibly benefit one without benefiting the other.

There have been during the past fortnight one or two pleasant and hopeful signs of returning—we do not like to say what, lest we should give offence—on the part of the Republican press. The *New York Times* on the 20th acknowledged that the tone of the "reputable and influential newspapers" of the South on political questions is "temperate and conciliatory," and that it is not fair or honest to quote the "three or four trumpety sheets," like the *Okolona Southern States*, as fair expressions of Southern opinion. The practice of quoting these "trumpety sheets," both by members of Congress and by the Republican press, and representing them as fair exponents of the kind of feeling we have to deal with at the South, for the purpose of firing the Northern heart, has been much followed of late, and the sheets in question have, of course, profited by it as an advertisement, and made their "treasonable utterances" hotter and stronger than ever. If this sort of thing were done by an editor in social or commercial life—that is, if he were to produce and commend to the confidence of his friends, as a representative and trustworthy man whose word might be relied on, a rascally adventurer, living by his wits and despised at the place of his residence—it would be considered a disgraceful performance. As the world goes just now it is pleasant to see such practices repudiated by a leading Stalwart paper. Conscience is, doubtless, asserting its sway even under the "bloody shirt." Many an editor and orator is, perhaps, beginning to beat his breast and cry in the watches of the night, "Who is the colored man that I should tell lies for him! What is the party that I should play scavenger to it!"

The troubles arising out of the Iowa Central foreclosure case, in which imputations were cast on Judge Dillon, are not yet over. Judge C. C. Cole, formerly of the Supreme Bench of Iowa, like some other eminent lawyers, wrote private letters making charges against Judge Dillon in the case, which he was not willing to make publicly, but his correspondent published extracts from the letters, and this brought Mr. Cole's conduct under the notice of the Iowa bar. An attempt has been made to disbar him by an application to the U. S. Circuit Court. He demurred on the ground that his letters were privileged communications, but Judge Miller ruled that there was no demurrer or law in the matter; that if the court thought he had behaved improperly, privilege or no privilege, he would have to go. He has, however, got a postponement until October, when he expects Judge Dillon will not be sitting, as this gentleman has been offered a professorship by Columbia College, which he has accepted.

Considerable amazement was excited a few weeks ago by the appearance of a volume on Spiritualism from the pen of Mr. Kiddle, who has filled the office of Superintendent of the City Schools, and filled it most efficiently, for a great many years. The belief avowed in the volume that he was in constant communication with the other world would probably not have injured him, but he was so incautious as to publish the communications in prose and verse received by him from various illustrious dead persons, and these were of so silly a character and so unlike anything that can be found in their works that the public was forced to the conclusion either that the Spirits despised Mr. Kiddle and amused themselves at his expense, or that he was mistaken in supposing that he was in communication with them. The former theory naturally touched the pride of the citizens. That Socrates and Shakspeare and Edmund Burke should talk such infernal nonsense to a municipal officer of Mr. Kiddle's position was more than they could stand, because it seemed as if these famous men thought lightly of our educational machinery. On the other hand, if Mr. Kiddle supposed himself to be in communication with eminent Spirits when he was nothing of the kind, did it not argue, they asked themselves, that he was what is called "out of his mind"? The latter hypothesis, as the less wounding to the public self-love, found most acceptance, and the newspapers had begun to teem with strong medical arguments in favor of his dismissal when he relieved the Board from all embarrassment by resigning. His book, however, has had a great sale as a curiosity. Few persons will want to keep it, and the best thing

we can wish him is that his Spirits will let him alone. If the specimens of their conversation he has furnished are correct, they are the greatest bores that ever infested a respectable man's house.

The Freeman case in Massachusetts, in which a man murdered his little daughter, with the idea that he was imitating Abraham in showing his faith, and in the expectation that God being satisfied would stop him before he struck the final blow, is not unnaturally connected in the public mind with Mr. Kiddle's communications from the Spirits, and both are treated by many as indications of the same form of insanity. Freeman's delusion, however, seems to be shared by the sect to which he belongs, "the Second Adventists," the chiefs of which are said to be astounded by the Lord's failure to restore the child to life, and he himself remains firm in his conviction that he did the right thing, and feels keenly the blow that will be dealt to his creed in case he is acquitted on the ground of insanity. The provision the Catholic Church makes, in the form of self-mortification, for unsoundness of this sort, is a safe if not healthy vent for it. The Catholic fanatic too always acts under sacerdotal guidance, which makes him a less dangerous person than the Protestant devotee of "the right of private judgment."

An article by Mrs. H. B. Stowe, who spends half her year at the South, in the last number of the *North American Review* seems to indicate, on the Stalwart theory, that she has been the victim of very brutal treatment at the hands of "the brigadiers" and "red shirts." How little regard these men have for sex, any more than for color or age, may be inferred from the account she gives of the progress made by the negroes within fourteen years in education, in self-respect, in the accumulation of property, and even in the exercise of political rights. Mrs. Stowe's prominence in the movement which led to emancipation and her continued interest in the colored race may serve to give some idea of the barbarities by which these stories must have been wrung from her. What Dr. Cooke underwent doubtless compared but feebly with the ruffianism by which this unfortunate lady has been compelled to publish such an article on the eve of a very important election in Ohio.

Preparations for the second invasion of Zululand have nearly been completed in South Africa by Lord Chelmsford, and the plan in its main features resembles the former one—an advance in three or four separate columns, leaving fortified depots behind them as they go, but with gaps between through which an enemy like the Zulus will have but little difficulty in passing. Mr. Forbes, the *Daily News* correspondent, telegraphs that it is condemned by the best heads in the Colony, and it now seems as if the Home Government was afraid to let Lord Chelmsford try to carry it out. Sir Garnet Wolseley has been appointed both civil commissioner and military commander of Natal, Zululand, and Transvaal, Sir Bartle Frère being relegated to the province of Cape Colony, and Lord Chelmsford passing into a subordinate position in the field. This, of course, is simply a mild way of letting the two authors of the war down easy. The Ministry incurred a serious risk in retaining Lord Chelmsford in command after the disaster at Isandula, because had he failed to relieve Ekowe it would have fallen before popular indignation. The chance of retrieving himself was due to the fact that he is a great favorite of the Court set, and especially of the Duke of Cambridge; but this opportunity having been afforded him he goes out. The general belief in the colony seems to be that the war will run into a second campaign. John Dunn, an Englishman who lived long enough among the Zulus to become a sort of chief, and has now a tribe of his own which he has carried over to the British side, thinks they will attempt no more pitched battles, but confine themselves to raids on the colonists, a sort of operation against which it will be difficult to guard without a very large force.

The public in England are naturally a little mortified to find that the attacking force at Gingelova, which put the British on the defensive behind their wagons and entrenchments, was not larger than their own, and that Lord Chelmsford was not willing to let them come to close quarters before opening fire, by which the execution

done might have been vastly greater. He was evidently afraid of the Zulu rush, and if they had once got over the line the young lads who now compose the bulk of the English rank and file would certainly have had no chance against them, hand to hand. In fact, there is general lamentation over the lack of old soldiers under the new system of short service, and there does not seem to be much compensation in the increase of numbers, for the regiments sent on active service have to be raised to their full complement by reducing others to skeletons. The Afghan and Zulu wars will do good service, however, by bringing home to the English people the folly of attempting the sort of rôle which the Beaconsfield Ministry traced out for the country last year without a complete change in the military system—without, in short, resorting to the conscription. The Zulus, in fact, have given the finishing touch to the exposure of the Jingo folly by compelling Lord Salisbury to let Russia have things her own way in Rumelia and Bulgaria, and showing the silliness of bringing 7,000 Sepoys to Malta as a threat.

The most interesting piece of recent news from France is the programme of the extreme Radicals as produced by Dr. Clemenceau, who is universally looked on now as the ablest man of that faction, and the man most rapidly rising into power and prominence, and the one most likely to take Gambetta's place, in case the latter as he grows older should become too conservative. In a speech to a large meeting of his constituents of the eighteenth arrondissement, in Paris, he denounced the Senate as a fifth wheel to the coach; demanded more liberty for the press; advocated the conscription of theological students for service in the army; direct instead of indirect taxation; free-trade; a change in the officials of the Ministries of Justice, Finance, and Foreign Affairs; complete amnesty; the pardon of Blanqui. He further reprobated the Ferry bills about education on the ground that the existing laws, if properly enforced, would do the work more efficaciously. He also demanded fair play between the clergy and the infidels, for, said he, "The Catholics have the right of insulting you in their pulpits, their congresses, and their newspapers, while any one who attempts to reply to them comes into collision with the law for the protection of religious morality."

An International Congress is sitting in Paris under the presidency of M. Lesseps to discuss the ways and means of carrying out the greatest engineering enterprise yet projected—the piercing of the isthmus between the Atlantic and Pacific Oceans by a ship canal. The scheme has occupied men's minds in a greater or less degree ever since the Spanish conquest, and the first survey for it was made as long ago as 1829, and all that is necessary for comparison of the merits of the seven or eight rival lines has now been done, and the result is before the Commission. All of them involve either a system of gigantic locks or of gigantic tunnels, but the choice of the Commission seems now to be confined to the Nicaragua route and the Panama-Aspinwall route, one to cost \$180,000,000 and the other \$240,000,000; and the last is said to be the favorite, and would take twelve years for completion. It is the French scheme.

News has been received this week of the arrival in Behring Straits of Prof. Nordenskiöld, the intrepid Swedish navigator, who left Gothenburg early in the summer in the steamship *Vega*, and when last heard from, after doubling Cape Tcheliuskine, and reaching the mouth of the Lena on August 27, was ice-bound not far from Wrangell Land. The first part of this achievement was something unprecedented in Arctic voyaging, but the entire circumnavigation of the north coast of Asia, ending, as is Professor Nordenskiöld's intention, in a return to Sweden *via* the Suez Canal, may justly be ranked among the wonderful performances of our age. The geographical and scientific results of this expedition must certainly outweigh its commercial importance, and full reports of the winter experience of the *Vega* will be awaited with interest. What effect this success will have on Mr. James Gordon Bennett's expedition to Behring Straits we cannot judge.

## THE PRESENT ASPECT OF THE LEGAL-TENDER QUESTION.

MESSRS. BUTLER and Chittenden have undertaken to bring before the Supreme Court, by means of a test case, the power of Congress to issue or keep afloat legal-tender paper money in time of peace.

Whatever of fallacy, when tested by the rules of constitutional construction, may lurk in the doctrine that Congress has any power to make paper a legal-tender in time of war which does not belong to it equally in time of peace, that doctrine certainly furnishes the only possible point of departure from the decision in the legal-tender cases, and its assumption is, to a certain extent, justified by the course of the argument in the opinions delivered in those cases. That assumption is, of course, the ground upon which the test case is brought. The court decided in the legal-tender cases that in time of war Congress has power to make paper a legal-tender. Whether it possesses that power at all times whenever it may see fit to exercise it, was expressly left undecided. It is asserted that in consequence of recent acts of Congress the legal-tender quality of Government paper now rests on legislation had since the close of the war. In the revision of the statutes in 1874 the original legal-tender acts of 1862 and 1863 were repealed and the legal-tender provision re-enacted. Moreover, in 1875 Congress passed the Resumption Act by which the volume of the legal-tender currency was to be contracted to three hundred millions before January 1, 1879, and on and after that date the Government notes were to be redeemed on presentation in coin. By force of that act legal-tender paper would have passed out of existence. To forestall that result Congress, in 1878, under the stress of the inflation mania, passed an act prohibiting the Secretary of the Treasury from retiring or cancelling legal-tender notes, whenever they might be received into the Treasury under any law, and directing that they should be re-issued, paid out again and kept in circulation. The contention is that the act of 1878 is unconstitutional. Thus, after the lapse of ten years, this great question again presents itself, this time in a form to render its determination of much greater consequence in its bearing on constitutional law and the public well-being, though of far less importance, for the moment at least, in its relation to private contracts. The importance of the case as one of constitutional law consists not so much in the particular decision to be rendered upon the power of Congress over the matter of legal-tender, as in the fact that if that power is sustained at all it must apparently be upon principles of construction never before recognized by the Supreme Court, and which if logically carried out would result in the practical surrender of most of those limitations upon legislative power which the Constitution has thus far been supposed to secure.

Moreover, a perusal of what may be called the documentary history of the unprecedented events which led to the reversal of the judgment in *Hepburn v. Griswold* serves to recall the fact that the legal-tender question has been the occasion of political events affecting even more vitally, if possible, the public welfare than the constitutional question to which that matter has given rise. For such acts as are there recalled to mind there is no constitutional remedy, and no security against a repetition except through a vigilant public opinion.

The judgment of *Hepburn v. Griswold* was reversed and set aside on the application of the Administration by the following process, described fully in a recent article of Mr. Brooks Adams in the *International Review*: The Supreme Court, at the time the case was decided, was about to be enlarged. In 1863 an act of Congress had increased the number of the Court from nine to ten. In 1866, three years later, when it was notorious that the judges were overworked and the business of the court in arrears and increasing, Congress enacted that no vacancy on the bench should be filled until the number of associate justices should be reduced to six. This apparently inexplicable proceeding is very easy of explanation. Congress was

then engaged in the contest with President Johnson. A vacancy had occurred on the Supreme bench, and Johnson had sent in a nomination to the Senate. To avoid the odium of refusing to confirm a respectable appointment, the Senate procured the passage of this bill. In the House the proposition was to reduce the number by one, thus exactly covering the existing emergency; but the Senate insisted on discounting the contingencies of death and resignation to the extent of three. In 1869, as soon as General Grant had become President, Congress enacted that the number of judges should be increased to nine, the act to take effect from the first Monday of December of that year. When *Hepburn v. Griswold* was argued the court consisted of eight members, being a full court under the act of 1866. As is stated in the opinion, the case was decided in conference November 27, 1869, by a majority of five to three, the court being still full. Judgment was read and agreed to January 29, 1870, and was to have been delivered in court and entered January 31, but was postponed until February 7, to give time for the preparation of a dissenting opinion. February 1 Judge Grier resigned, February 18 Judge Strong was appointed, and March 21 Judge Bradley was appointed, March 31 Attorney-General Hoar, representing the Government, moved the Court to reopen the question decided in *Hepburn v. Griswold*. It will be remembered as a singular distinction of the late Chief-Justice that, while as Secretary of the Treasury he had given his assent to the legal-tender provision, when the question subsequently came before him in his judicial capacity he did not hesitate to hold it unconstitutional, though at the expense of his own consistency. Laudable as such an act is, it is only what every upright judge is repeatedly called upon to perform in the discharge of his ordinary judicial duties. The books are full of instances where a judge concurs with his brethren in overruling a decision rendered by himself when sitting in the lower court. In allusion to this circumstance, and by way of a statement of the facts given above, as to the composition of the Court which decided the case sought to be reopened, the Attorney-General addressed the Court as follows:

"A statute upon the constitutionality of which this Court at a time when by law it consisted of nine judges, did, by a majority of only four to three, enter its judgment, with two vacancies upon the bench; and it stands, therefore (reducing it to its essence), that upon the judicial opinion of a single man, whose voice turned the majority, the great question is adjudicated. And if—which is a supposable case—it turned out that it was an opinion about which even the deciding judge of the Court had entertained a different opinion at some other time, it would come down to the point that on the differing opinions at different times of his life of a single man the whole constitutional power of Congress and the Executive . . . was forever to be subverted and set aside, and expunged from the practical powers of this nation by the judgment of this Court; and upon the question whether it was necessary for the exercise of admitted constitutional powers, deciding that necessity is a judicial question and not a political one."

The opinions of the new members of the Court were necessarily perfectly well known, and unless technical considerations intervened the issue could not be doubtful. The question decided in *Hepburn v. Griswold* was allowed to be reargued in the cases of *Knox v. Lee* and *Parker v. Davis*, commonly called the Legal-tender Cases, when the constitutionality of the legal-tender laws was affirmed, and *Hepburn v. Griswold* expressly overruled. The two new members of the Court united with the former minority of three, so that the Court stood five to four. Thus five justices concurred in the first opinion, and five overruled it. From his place on the bench the Chief-Justice said that the circumstances of the reversal were "unprecedented in the history of the Court."

The argument of the Attorney-General in the legal-tender cases was, in effect, that Congress had discretion not only as to the choice of the means among those authorized, but also as to whether its proposed measure was a means at all in the sense of the rule. Of course, on this theory, the fact that Congress has adopted a particular measure for the execution of a granted power amounts to an opinion on its part that that measure is a proper and necessary means. On this theory there would be nothing for the Court to de-

cide, and its occupation would be gone. The doctrine of the Attorney-General was not anywhere endorsed in the opinion of the Court; but in repudiating for the Court any pretension to the exercise of "legislative discretion" some expressions occur which seem to indicate a tendency to ignore the force of the vital distinction pointed out above. The novelty of the doctrines thus advanced was recognized by the Chief-Justice in his dissenting opinion, and the doctrines themselves expressly repudiated. "It is unnecessary to say that we reject wholly the doctrine advanced, for the first time, we believe, in this Court, by the present majority, that the legislature has any 'powers under the Constitution' which grow out of the aggregate of powers conferred upon the Government, or out of the sovereignty instituted by it. If this proposition be admitted, and it be also admitted that the legislature is the sole judge of the necessity for the exercise of such powers, the Government becomes practically absolute and unlimited."

It is the tendency towards such new theories of constitutional construction indicated in the legal-tender cases which renders the pending case of such interest. It seems probable that in that case these theories will be expanded and applied. Such would be the natural course. If these theories, now for the first time suggested from high places, become the settled doctrines of the Court, the system of constitutional limitations upon the power of Congress will be practically transformed into that of parliamentary omnipotence, since the number of express prohibitions in the Constitution is very small, and except as to those the Supreme Court would have abdicated its powers. In the times of the earlier onslaught by the other departments upon the judiciary, the judges held such theories of the character of the constitutional limitations and of the true function of the Supreme Court as caused them to perform that first duty of a judicial tribunal—the maintenance and definition of its own jurisdiction—with vigor and effect.

The circumstances connected with the reversal of the judgment in *Hepburn v. Griswold* serve to show that the method by impeachment is not the only one by which the other departments may, under exceptional circumstances, seek to overthrow the established judgments of the Court, when those judgments are not in accordance with their wishes. The judiciary is now the depository of substantial powers as a co-ordinate branch of the Government. But if the principles of constitutional limitation on the powers of Congress, foreshadowed in the legal-tender cases, become the settled doctrines of the Court, encroachments by the other departments, however unscrupulous the majority or imbecile the opposition, will be no longer to be feared. The antagonism of the legislative to the judiciary department, which culminates in violent times and under intolerant leaders, results from the efforts of the judiciary in the discharge of its duty to maintain the constitutional provisions in restraint of legislative omnipotence. If the Supreme Court comes to the conclusion in effect that no such restraints exist, or that Congress shall be the judge of the constitutionality of its own acts, Congress will have no further cause for complaint, and the judiciary will withdraw into secure insignificance. The legislative lion will have escaped from the meshes of the logical net woven for him by the framers of the Republic.

#### THE "NEW DEAL"—A STUDY IN CITY POLITICS.

THERE is no duty which the press owes to the public more important than that of explaining from week to week and from day to day the real meaning of the political events which in the history of New York crowd so thickly upon one another's heels. There is hardly any which it fulfils with more painstaking and conscientious assiduity. Not even its hortatory office—the function of insisting every fall upon a popular rising against the "One-man power"—is more faithfully discharged than is the duty which arises from time to time, between the days of elections, of explaining to the people what the servants clothed by them with the various municipal trusts created by the interesting collection of laws known among politicians as "the Charter" are about. This explanation is by no

means a simple task, for it involves not only a familiarity with the principles of ethics which the habitual practice of journalism is apt to weaken in some minds, but also a complete conversance with the facts of the case, which usually involves much "reportorial" investigation, and sometimes the endurance of harsh language and even blows from those who are invited to furnish the information the public need. Still the work is done, and well done; and seldom has it been more thoroughly done than in the case of the "deal" in the Board of Aldermen last week by which Mayor Cooper's Republican nominations were confirmed, and his anti-Tammany nominations were rejected by means of a union between the Republican and Tammany aldermen.

According to the *Times*, the immediate cause of this combination was the utter failure of "the meeting of delegates from the several Assembly districts composing the Fifth Senatorial District," a meeting which at the time it was held does not appear to have attracted an amount of public attention commensurate with its importance. It was the "Ninth District people," however, who were at the bottom of the whole thing. "Hunter or no one" was the ultimatum of the Ninth District people, "Hunter" being Mr. Gilbert J. Hunter, a man, as we understand it, of great prominence in the Ninth District, though less known elsewhere. With the Hon. Mr. Jacobus, who is a Republican member of the Board of Aldermen, representing the interests of Mr. Hunter, and the Hon. Messrs. Hyatt and Hall (anti-Tammany) acting with him, it was impossible that any of the Mayor's nominees should be confirmed "unless help could be obtained from outside." Meanwhile Comptroller Kelly had not been an inattentive observer of the dead-lock between the Mayor and the Aldermen, produced by the obstinacy of the "Hunter or no one" party, and what he desired above all things was to "save Tax-Commissioner Wheeler." There is said to be little doubt that Kelly, before the "deal," had pledged to him in the Board "enough votes to prevent the confirmation of any one who should be nominated for the office" held by Mr. Wheeler, so that with Kelly it was "Wheeler or no one," just as with Jacobus it was "Hunter or no one." Matters being in this position, the *Times* rather obscurely says that "things worked into such shape," apparently without the intervention of any human agency, that Kelly, "quietly sitting and waiting in his office, and holding in his hand the nine Tammany Aldermanic votes, saw the Republican Party leaders come to him offering proposals." What they said when they came in, or what Kelly said in reply, has not yet been made public; but it was at this interview that the "deal" was settled, and the arrangements for it were completed by Monday of last week. It does not, however, seem to have been communicated to Mr. Jacobus or the anti-Tammany aldermen.

It was not until the Board met on Tuesday that the "deal" was made known, and the excitement which followed, according to the *Herald*, was intense. If strong men did not weep, it was only because this is not a Presidential year. The Anti-Tammany members looked "dejected and unhappy"; the Republicans were "noticeably nervous"; the Tammany members, on the contrary, were in high spirits. A "new deal" is apt to affect the spirits in this way. Alderman Stewart was made chairman, and as he took the chair he too looked "pale and nervous." The session which followed is declared by the *Times* to have been one calculated to astonish any respectable taxpayer who was present "for the first time," though, as no such citizen seems to have been among the audience, this does not appear to be of much consequence; and the facts which the *Times* puts forward as the grounds for its remark—a gross want of familiarity with the rules of grammar and of parliamentary law, and a tendency to refer to each other in debate as "he" and "him"—were hardly calculated to excite surprise among any citizens who were there.

The first move in the "deal" was calling up the nomination of Mr. French as Police Commissioner. On the subject of this nomination Mr. Haughton made an address of considerable length. He pointed out that the Police Board ought to be kept non-partisan under all circumstances; but he felt obliged to denounce the nomi-

nation of Mr. French as an attempt to "foist a non-resident into one of the best offices of the city government," and as an "insult" "to the one million and more inhabitants of this city." He thought that if some leaders of the Republican organization saw fit to "make bargains and deals, it is the business of the people to know it," and, what is more, "the people will be very likely to pass a swift and sure judgment upon their action." He then called upon his colleagues to "think well before taking final decisive action," adding that "the men who vote for Mr. French will be marked men." An "outburst of applause" greeted Mr. Haughton's remarks, and "the crowd in the chamber became almost wild with excitement." Mr. Strack then remarked that he desired to call the attention "of his colleagues and of the citizens present" to the most "infamous and unparalleled" job "ever conceived in any Board of Aldermen." He pointed out that in the last campaign, when Mr. Cooper was elected, we fought for "home rule"; and now "all that we fought for is to be lost" by the appointment as Police Commissioner of a man from Sag Harbor, Long Island, a town which he somewhat vaguely described as "a little place almost at the east end of nothing, with a board nailed across it." He deplored the selfishness of "the element in the Board that was at the bottom of this latest deal." These persons, he said, "were actuated by greed of patronage and power," and cared nothing whatever for "home rule"; a fact curiously illustrated, according to Mr. Strack, by the employment in a certain city department of persons who live in "New Hampshire and other States" and "bring their lunches with them." He also told a story of a policeman whom he had met who had been here so short a time that he did not know the names of the streets on his own beat; on which Mr. Burns suggested that he must have come from Germany, of which country Mr. Strack is believed among the aldermen to be a native. After this Mr. Jacobus spoke very strongly against the nomination, and darkly declared that "when a king and another potentate joined hands the city would surely be at their mercy," having in mind apparently a "deal" of a somewhat monarchical character. Mr. French was then confirmed. Mr. Van Cott's nomination as Fire Commissioner was next taken up, and caused some discussion between Mr. Jacobus and Mr. Morris, Mr. Morris maintaining that Mr. Jacobus was "run by a few men on the other side of the house," and Mr. Jacobus insisting in reply that Mr. Morris was habitually elected by the aid of Tammany Hall police captains. This debate does not seem to have changed any votes, and Mr. Van Cott's nomination was confirmed. The remainder of the nominations included in the "deal" were confirmed or rejected without discussion.

The morals drawn by the press from the "deal" are not altogether the same. The *Evening Post* thinks that the combination between the Tammany and Republican aldermen was wrong, but it does not agree with Mr. Strack that the object of the election last fall was to secure "home rule"; it considers "the emancipation of the city government from the gross abuses which were the fruit of Tammany misrule" to have been the object of that election. It intimates the opinion that an alliance with "the very body that was defeated" upon that issue must cast a doubt upon the good faith of the Republicans, but it does not think that the reputation of Tammany can be made any blacker than it was before. The *World* thinks the deal the result of a not wholly unnatural alliance between "Mr. Arthur's aldermen" and "Mr. Kelly's aldermen" against "Mr. Cooper's aldermen." It recalls the fact that Mayor Cooper and an anti-Tammany majority of the Board of Aldermen were elected last year by an alliance of Democrats and Republicans who believed that the vital condition "of reform in the conduct of our municipal affairs was to purge our city politics of the influence of Tammany Hall," and declares that Mr. Cooper has not done this. It adds that the "most interesting question" of "practical politics" connected with the deal is "what consideration" the Republicans gave for the votes of the Tammany aldermen, and declares that, according to "common rumor," it was "the retention in office, through a refusal to confirm any appointment of a successor, of a certain Tammany office-

holder who annually receives from the taxpayers of this city at least ten times as much in the way of emoluments as his services can possibly be imagined to be worth to them"—an identification of the person referred to by no means as specific as we could wish. The *Herald* treats the subject with levity, and says that there is some connection between the "deal" and an after-dinner speech made by Kelly a few months since at the Lotus Club. The *Times* says that the "deal" shows the "utterly untrustworthy character of most of the Anti Tammany aldermen," and says that "it presumably involves a repetition of the corrupt bargains under which the influence of the Republican party has been used in the past to subserve the lowest partisan and personal ends." The same idea is expressed more tersely by the *Commercial Advertiser*, which declares that "the Republicans on all occasions have suffered dishonor and disgrace by cuddling with blear-eyed Democracy." The *Tribune* and *Express* take a different view of the matter. The *Express* says that the "deal" was "not the result of a bargain, but a determination to break up the bargaining which a set of unprincipled Anti-Tammanyites have been engaged in for weeks, obstructing the work of the municipal government, and sacrificing the public interest to further their own personal ends." The Tammany aldermen "sacrificed their own feelings, and their party interests, perhaps, to the public welfare, and they deserve commendation for their course." The *Tribune* says that the "Tilden-Robinson organs" may now be expected to raise a hue and cry "that the Republicans of the city have made a new alliance with Tammany Hall," when "there has in fact been no alliance of Tammany and the Republicans" at all. "The simple truth is, that the Republican combination with the Anti-Tammany factions last fall to elect Mr. Cooper mayor has not resulted in such reforms in the city government as were expected, and has given little reasonable ground for continuing to expect them"; while "it has resulted in greatly strengthening Mr. Tilden's chances."

There is another lesson of great importance in this crisis which our esteemed brethren have strangely overlooked, and that is the necessity the "new deal" shows of our citizens attending more closely to their political duties. It is of no use for our leading merchants and lawyers and railroad men and ministers of the Gospel to think that they have discharged their duty by voting their party ticket. The members of the Board of Aldermen are nominated in party primaries, and unless the respectable classes of the community take part in these what hope is there of securing a good Board of Aldermen? The recent deadlock in city affairs which was got over, as it always is, by a "deal" was clearly produced by a want of harmony between the Mayor and Aldermen. The better classes of our voters, in their anxiety to save the city from Tammany Hall, and to preserve "home rule" last fall, overlooked the necessity of securing good aldermen, and omitted to take any part in the meetings at which they were nominated. This supine neglect of their duties ought not to be passed over in silence by the press, and we trust that before next fall some means will be taken to arouse the public to a sense of the importance in municipal government of a minute attention by each citizen to the duty of securing the nomination of good men.

The "deal," too, we regret to say, is calculated to shake in many minds the old time-honored doctrine that a Republican city politician was sure to be a better man than a Democratic city politician, and that whatever offices you could give to the former you saved from Satan. It really begins to seem as if the notion we have long fought against, that one was about as good as the other, was correct. This is an awful thought, which we wish we could conceal from the young.

#### THE ROYAL ACADEMY AND THE GROSVENOR GALLERY.

LONDON, May 15, 1879.

I FIND by counting the advertisements on the first page of the *Times* that more than a dozen exhibitions of pictures contend at the present moment for the patronage of the London public, but in the small space of this letter I can only speak—and that very briefly—of the two prin-

cial houses. The Academy and the Grosvenor have been open since the beginning of the month. The absence of what the French call "grande peinture"—painting in which style plays a part—is as striking as ever at the former institution, where anecdotal art and little pictures addressed directly to the pocket of purchasers who demand a great deal of familiar point hold undisputed sway. I can recall only two or three things at the Academy that have any pretension whatever to nobleness. One of these is a large canvas by the new President, Sir Frederick Leighton, an "Elijah in the Wilderness," representing the brawny prophet asleep on a rock and visited by the angel who brings him a jug of water and a loaf. This picture was one of the ornaments of the English department at the Paris Exhibition of last year; but in spite of this fact, of its ambitious intention, and of an execution as brilliant in many ways as Sir Frederick Leighton has accustomed us to look for, it cannot be called a success or commended as an example of the author's best skill. With Mr. Poynter's "Nausicaa and her Maidens," however, it does solitary duty at the Academy as an appeal to interest on simple grounds of beauty of design. Mr. Poynter's picture, which was much talked about in advance, has proved, I believe, a general disappointment. It was known that some of the most beautiful women of the London world—in which so many beautiful women are to be found—had stood to the artist for the figures (by which I mean the faces) of Nausicaa's companions, so that on the day of the private view people flocked to the picture with the interesting hope of recognizing beneath the desultory drapery of the Homeric period the aristocratic heroines of the photograph shops. These ladies, however, are not thought to have been favorably represented, and indeed the picture strikes me as having a good deal of almost inexplicable awkwardness and ugliness. It is a very different affair from the same artist's charming representation of the "Race of Atalanta," which was exhibited a few years since—a work with which it challenges comparison by its shape and style. The painting seems dry and dull, the color harsh and displeasing, the composition by no means happy. Of course, when young ladies are playing at ball they are obliged to stand at a considerable distance from each other, and this fact has introduced into Mr. Poynter's picture a series of empty spaces, blank intervals, to which he has not always succeeded in imparting interest. In the case of the most considerable of these *lacunæ* he has resorted to the expedient of representing a little naked boy, bounding across the field of vision with as wide a stride as possible. But in point of fact this little naked boy is the principal object in the picture; he jumps, as the French say, at the eyes, and there is something almost ludicrous in his exaggerated gambol. The redeeming point in Mr. Poynter's canvas is a certain elevation of intention, a search for nobleness and suggestiveness of line and form, a care for style.

Two pictures for which it would perhaps be claimed that they rank themselves under the head of "peinture de style" are the "Esther" and the "Vashti" of Mr. Long, who at several successive exhibitions has attracted attention by clever archaeological representations of oriental subjects. The two works I have just mentioned ought to have been hung in juxtaposition; but, for reasons not obvious to the casual visitor, they are separated by the space of several rooms. They are imaginary dramatic portraits of the two Biblical ladies whose names they bear; but in spite of a certain sort of skilful elaboration of touch they strike me as capital—indeed, as quite inimitable—examples of the trivial tendency of contemporary English art. Mr. Long has, I believe, a great reputation; he makes a great figure in the London picture-market, and this fact, in the presence of his light, thin, small, undeveloped manner of painting, with its lack of breadth and boldness, of light and shade, is a measure of the standard and the taste that prevail here. Neither in France nor in Germany would Mr. Long pass as an important or even as a particularly competent painter.

There is usually at the Academy a so-called "picture of the year"—a picture that has a thicker crowd in front of it than any other. If I say that this distinction has not this year fallen very obviously upon any particular work it will, perhaps, seem but another way of saying that the crowd at Burlington House has been everywhere so dense that it is hard to say that the spectator is more tightly squeezed in one place than in another. But I suppose it would be a fairer statement to recognize the rather evenly balanced claims to conspicuity of two very clever productions of Mr. Fildes and Mr. Pettie, who may be said to divide between them the distinction of which I just spoke. Mr. Fildes's "Return of the Penitent" has the honors of a crowd, and it very well deserves them, being a very strong and brilliant example of that relish of a human interest which is the most marked characteristic of the British school. It represents a group of coun-

try people in a village street—an old farmer leading his big cart-horse back from the plough, three or four old and young women, a couple of children—who have stopped to stare at a young girl who has prostrated herself at the door of a rustic dwelling, and who, as it stands sternly closed against her, lies there huddled together with her head buried in a passion of grief and shame. We are left to perceive that she has lost her maiden innocence, and that, having been deserted by her lover, she has made her way back to her father's house only to find herself treated as an outcast, or left at least to do public penance on the doorstep. The penance is very public indeed, and the incidents it brings with it are indicated by Mr. Fildes with that moral ingenuity, as I may call it for want of a better name, which English painters have so largely at their command in the treatment of such subjects, and which, as a general thing, fills their public with a kind of comfortable sympathy. Mr. Fildes's picture, which is large and abounds in detail, contains some very charming painting—it is indeed charmingly painted throughout, and the different figures with their various gossiping, pitying, criticising attitudes, are excellently studied and full of significant touches. The thing possesses in a word, in a high degree, the story-telling quality which marks the maximum of so much of the English art of the day. But, at the risk of seeming very dry and cynical, I must say that I find it hard to express my sense of the latent bad taste of such a performance—of a certain quality in it which would make it a misery to possess the picture and have it hanging constantly before one's eyes. The vulgarity of feeling which has prompted the painter to twist into a pictorial effect a subject altogether moral and dramatic, and seeming bruised and injured by the violence done it—this vulgarity is not flagrant or visible on the face of the work; but after one has looked at the picture for three minutes it becomes quite confounding, and one turns away from so much misapplied cleverness with something of the annoyance produced by the sight of a serious social blunder.

Mr. Pettie in his "Death Warrant" has less of a story to tell, and his picture is more of a picture. A young king (who may be Edward VI. of England) is seated at the council-table with his old ministers, one of whom offers him a parchment and pen; which he, looking away and with the tears rising to his blue eyes, neglects to take. Mr. Pettie is a colorist, and a warm and powerful one. He inclines rather to the abuse of reds and yellowish browns, but he has done nothing so fine as this important work, in which the heads of the old men, bald, bearded, and sagacious, are treated in a thoroughly painter-like way. Mr. Millais, who is usually first spoken of in connection with any exhibition of the Royal Academy, may almost be said on this occasion to be conspicuous by his absence. He has no composition this year, and of his several portraits only one is of striking interest. It is true that this one—a remarkable rendering of the at once strange and familiar physiognomy of Mr. Gladstone—is a brilliant success. The resemblance is extreme, although the expression of the face is singular and a little pushed in the direction of parody. I have heard the thing cleverly described as "Mr. Gladstone repenting that he had not become after all a Bishop." He stands with his features rather rigid and his eyes uplifted and filled with a sort of visionary glow; but it must be remembered that light animation is at no time the characteristic of his countenance, and that his eyes are always extraordinary. Mr. Millais has apparently wished to offer an image of his mystical, theological, episcopal side; but at any rate he has produced a very manly, masterly, simple piece of portraiture. There is no detail save in the head; the body is scarcely treated at all. But the thing has the great quality—it lives, it looks, it expresses something. It is true that what it expresses will perhaps gratify Mr. Gladstone's enemies as much as his friends.

At the Grosvenor (which, with its thinner attendance, and its interspaced, low-hung pictures, is a very agreeable change from the material conditions of the Academy) Mr. Burne Jones is, as usual, the chief "actuality." He makes a less striking appearance this year than the two preceding ones; but his contributions are important and highly characteristic. I have no space to describe either the "Annunciation" or the four smaller pictures, in which the painter has told, with the accompaniment of a running motto ("The heart desires, The hand refrains, The Godhead fires, The Soul attains"), the story of Pygmalion and Galatea. These things are open to all of the same criticism which has been lavishly bestowed at any time upon their author, and which, in spite of his reputation for having established what is called in London a "craze," strikes me as being much in excess of any adulation that he has received. At the same time they have, to my mind, as much as ever the great merit—the merit of having a great charm.

The weak side of Burne Jones, his limitations, his defects, are perfectly admissible. I should never hesitate to grant that, according to the principal count in the indictment of his critics, he is "morbid and unnatural." But I should maintain that somehow he yields a high quality of pleasure from out of the midst of these perversities, and that as things go just now in England I prefer an artist with interesting faults to an artist with vulgar ones. Burne Jones is a painter to take or to leave, and it is very easy to understand the state of mind of the people who dislike him. To many people he will always seem essentially dreary. I confess, however, I have but a limited sympathy with the critics who are perpetually asking why he is not half a dozen things that do not in the least belong to his genius. "He *ought* to be so and so—he ought to be joyous and healthy and amusing." This is a very common dictum, but it is a very meaningless one. I should be very sorry to pretend to say what Mr. Burne Jones "ought" to be; and for the present I content myself with noting that his "Annunciation" is full of admirable work and beautiful expression. For the mystic Pygmalion I care rather less.

I can do no more than mention three or four other of the best things at the Grosvenor. There are half a dozen excellent portraits and two remarkable ones. The first of these is a quite superb head of Mr. Watts, by himself, executed some years since. This is perhaps the most distinguished picture of the year. It lacks the relief and reality of Millais's Gladstone (of whom Mr. Watts has also a portrait, executed some years ago, and very inferior to each of the works I mention), but it is finer and more exquisite, and it covers the multitude of sins embodied in the artist's two misguided compositions, "Orpheus and Eurydice" and "Paolo and Francesca." The other portrait I speak of is a representation on a large scale of a City magnate (Mr. Thomas Chapman, chairman of the Committee of Lloyd's) by Mr. Gregory, who won himself such honor last year. Mr. Gregory's present work is a most vigorous and delectable piece of painting—full of reality, animation, expression, and all sorts of strong points of execution. It is an example of an "official" portrait (it was painted for the Committee) made thoroughly interesting. Mr. Whistler is, of course, present at the Grosvenor; he has three characteristic examples. One of these, a large portrait of a young girl (a dancer at one of the theatres) skipping a rope, is in no sense a pleasing or a successful work. The second, also a full-length portrait of a lady (an "arrangement in brown and black"), has a great deal of solid merit, but very little charm. The third (a "harmony in green and gold—the Pacific") is a small sea-scene—a wide harbor or bay, with a number of ships at anchor. It is in its way a little masterpiece, with an enchanting tone and a wonderfully light and airy rendering of what the poets call the "watery floor." I am sorry to add that this remarkable picture, the most valuable and interesting that I have seen from Mr. Whistler's hand, was painted many years ago. If he had never done worse than this he would have been at present an accepted, and not a contested, genius. XX.

#### THE CLERICAL FORCES IN FRANCE.

PARIS, May 9, 1879.

THE Parliamentary recess has been spent in getting up the steam power which will enable the Legislature and the Government to advance or its opponents to pull it down. In the Councils-General the clerical party gathered all their forces to battle against the Jules Ferry Bill on Public Instruction. I am sorry to be obliged to record that their success has been very much underrated by the Havas Agency. They have brought into the field an imposing army, which is better disciplined and more systematically trained and led and homogeneous than the one on which M. Jules Ferry leans for support. In 33 departments, the law forbidding the Councils-General to pass political resolutions, or *vœux*, has been broken through. 1,143 cantons are represented in this opposing force. Now, each canton sends a delegate to vote at the senatorial elections of every department, as well as at the Council-General, and he represents a majority of the communes which go to form a cantonal region, and which are also electors in the second degree. Gambetta, in a speech at Belleville, once spoke of the Senate as the Grand Council of the Communes. It will thus be seen what danger there is of the majority in the Senate being shifted at the next partial renewal of that body from Left to Right, if this opposing force remains up to that time unbroken.

The Councils-General which refused to weigh upon the Government or Legislature amounted to 28. Quite erroneously they have been set

down as hostile to the Ferry measure. They merely remained within the bounds of legality in expressing no opinion upon it. No doubt, among the representatives of the 829 staid cantons into which the 28 departments are divisible there were some scores of priest-led members; but they were swamped by those whose silence may be interpreted as an approval of the bill.

Of Councils-General which in their anti-clerical zeal expressed a hope that M. Jules Ferry would carry his measure in every article through the Assembly there were 13, representing a total of 390 cantons, a respectable quantum of motive power, and showing in four districts an accession to the Republican party. One of the 13 is Bouches-du-Rhône, of which Marseilles is the political centre, though Aix is the chief town and the seat of a law faculty. Another is Var, the reddest department in all France, and the one which offered most resistance to the *Coup d'État*. What is remarkable there is the extreme Radicalism of the small towns and villages, which are more fervid than Toulon itself. The third is Doubs, by which a De Merode was returned eighteen months ago to the Senate. The population there has many points of contact with Switzerland and Neuchâtel, and the men, who are in the urban districts largely engaged in the watch-making trade, are ruggedly sturdy and hard-headed. Since the Duc d'Aumale went to command the garrison at Besançon, the chief town of Doubs, the Republic has gained in strength there. The Protestants were alienated from the cause of Orléanist monarchy by the aggressive attitude the clericals assumed, and the population generally was disgusted at the servile manifestations the duke's presence called forth in official circles. Meurthe-et-Moselle, one of the 13, has been rendered intensely Republican by the immigration from Alsace and Metz of trading Jews, manufacturers, and working people. Fair Nancy, its capital, was captured in the last days of the Empire by four Uhlands. In Gard, which is also comprised in the baker's dozen, the Protestant suffrage has got the upper hand of the Catholic, as is shown in the warm support given by the Council-General to the Ferry bill. The Bonapartist influence is nearly extinct in Saône-et-Loire, where the great iron-master of Creuzot, Eugène Schneider, used to lead the population agglomerated round the mines and forges to the ballot-box previous to the Franco-German war. In Loir-et-Cher Republicanism and anti-clericalism become more accentuated. M. Fousset, the new Protestant deputy, took the lead in the Council-General sitting at Orleans. In Vosges there was a sweeping majority for M. Ferry, who is a representative of that department. The vote of the Council-General is to some extent due to the influx of Alsatians. In 1871 this department sent M. Buffet, a Clerical Reactionist, with, however, at that time a veneer of parliamentary liberalism, to the Assembly at Bordeaux.

In four departments the majority showed itself favorable to a pruning of the bill. They were Haute-Loire, Oise, Puy-de-Dôme, and Somme. In the first of these departments, the chief town of which, St. Étienne, provides ladies all the world over with fancy cravats and ribbons, Bonapartist and Orléanist interests are as well looked after by mill-owners and mine-directors as they are in Le Nord and Pas-de-Calais. But great voting power is disposed of by Democratic committees which, however, for reasons I shall further on explain, are weaker than they were a few years back. In Puy-de-Dôme the race is homogeneous, honest, sober, hard-working, slow, and sincerely Catholic without fanaticism. It is the part of France in which tourists have least reason to complain of sharp practices in the lodging-house and mercantile classes. M. Bardoux, late Minister of Public Instruction, and the immediate predecessor of M. Jules Ferry, presides over the Council-General of Puy-de-Dôme. He rather pressed a resolution tending to show confidence in the Government, which was passed on his giving an assurance that at Versailles it would not be interpreted as showing approval of the Ferry bill. In Somme, where the ancient fiefs of Aumale and Eu are situated, and where the Comte de Paris now resides, twenty against seventeen were disposed to support the Government. However, three of the majority voted under protest, and merely to give proof of a desire to conciliate. The resolution would have been only carried by a single voice had not a sudden death prevented two clerical members from attending.

I have touched upon the fact, brought out, I am assured, in prefectorial reports addressed to M. Lepère, that in some of the industrial centres of France Democratic committees do not wield as much political power as they did a short time ago. What data the prefects have to go upon I do not know. There have not been municipal elections in the provinces nor caucus meetings, which are unknown in France. Lyons,

Creuzot, Marseilles, Toulon, and the forges and factories of Lorraine are up to the level of M. Gambetta's Romans programme. A retrograde movement is noted at St. Étienne, in Le Nord, Pas-de-Calais, and some parts of Normandy where Republicanism was gaining ground two years ago. The populations in those places are not enlightened or ardent in their political faith, and they are now suffering from the collapse of trade which manifests itself all the world over. Distress draws them to the Church, which in hard times likes to be the great alms-distributor, and to appear as if seeking to reconcile general and particular interests. The orders which devote themselves to works of benevolence and to primary instruction acquire a fast hold in such a manufacturing crisis as the present, when there is not a burning faith in the institutions and the principles of which the Church of Rome has been since the first Revolution the arch-enemy. There can be no doubt that in populous places, where the eyes of militant free-thinkers are upon them, the orders, and more especially female communities, well discharge the duties they have vowed to accomplish. It is also no less true that while the artisan is on the side of radical reform or sweeping change, his wife clings to the sisterhood which takes charge of her children while she is engaged at the mill or the pit's mouth. The lay schoolmistress has neither the leisure nor the charity to wash and comb dirty pupils. She takes for granted that the wretched mother has time and strength to cleanse her children, so the unwashed girl, brought up in a grimy atmosphere, is sent home in disgrace or punished, which does not mend her habits, until she is old enough to make herself tidy; and poverty does not ripen fast the intellectual faculties or the sense of personal dignity. When primary instruction in a manufacturing centre is confided to religious orders the nuns are directed, as an exercise in humility, to cleanse the little unfortunates who come to them to be taught. Nuns also distribute bread and soup at the Bureaux de Bienfaisance. They direct the crèches where babes are kept during the hours their mothers are in the factory. Orphanages are founded under charitable auspices. Spiritual directors extract large sums of money for them from rich and frivolous penitents. The industrial, no less than mental, training to which children reared in these asylums are subjected is of an inferior kind to that given them, say, in Belgium, in municipal schools; still, it is an immense advance on the prison to which, according to French law, the young vagrant, who has nobody to answer for him or to protect him, must go until the age of twenty-one. To combat victoriously the Church of Rome in her struggle for political supremacy Republicans must borrow her best weapons. Pity must be given a place, and a large one, in their institutions. Justice must be coupled with mercy, and both based upon a wide pedestal. In these days of universal trade collapses, when the most solid fortunes are liable to disappear in an hour, and, to use a forcible American image, there is only a sheet of brown paper between the workingman's family and the bottomless pit, charity is not only a social bond but a political necessity. The "fraternity" inscribed on the public buildings must be no vain word if the Republic is to come victoriously out of the battles which she will soon have to fight with her enemies.

Opposition to the return of the Chambers to Paris is more feeble in the Senate than it was before the recess. The Bonapartists, who were with the Royalists, are falling from them. M. Paul de Cassagnac, Robert Mitchell, and other soldiers of fortune, who have not much to live upon beyond their deputies' salary, agitate for the translation of the Parliament from Versailles to the French capital. M. Rouher, who dislikes the railway journey, harks in with them, and the fishers in troubled waters look forward to the return of the Legislature being a source of feverish agitation and of *émeutes*. The Left Centre, which made a show of dogged opposition, is beginning to yield. M. Laboulaye has no store of loaves and fishes at Glatigny to distribute among this group, which has a very "lively sense of favors to come," and thinks it the duty of the moderate and honest legislator to be on fairly good terms with every *de facto* government, whether it be headed by a Cæsar or the incarnation of Demos. As a guarantee against the predominance in Paris of the Municipal Council a project is being quietly elaborated for making the Chambers the paymaster of the Prefecture of Police, the budget of which has been heretofore voted by the civic representatives of Paris. As to the local habitation of the Legislature, it is proposed to enlarge for the Deputies the Palais Bourbon, and give the Luxembourg to the Senate until a new house is built for it on the site of the Palace of the Council of State. Nobody bites at the scheme to run up a lodging for the representatives of universal and restricted suffrage on the place where the ruins of the Tuileries now stand. Gambetta, when consulted

on this point, shrewdly observed: "Do you not think it better to avoid storing up political combustibles so near the Louvre?"

The overplus of more than 30,000,000 francs in the revenue derived within the last four months from indirect taxes is a fact which will enhance the good name of the Republic, and add to its strength at home and abroad. It is also susceptible of being used as a telling argument against the mill-owners and great land-holders who agitate for a return to the protectionist régime in force under Louis Philippe. In support of this agitation the Agricultural Society of France has published a report on the maleficent effect of free-trade on real estate in France. The value of land has gone down six years' purchase in Champagne, the chalky plains of which only feed sheep. To the importation of South American wool this fall is attributed. The squires of the fat, arable Beauce and Brie clamor for a resumption of the sliding scale to release them from the competition of the wheat-growers in the valley of the Mississippi. In the report I speak of it is shown that, while wheat is cheaper than it was twenty years ago, bread is dearer and the workingman not so well off; *ergo*, American cereals ought to be kept out of the market. The truth is that, what with the rise in house-rents and the increase of municipal taxes in France under the showy and extravagant administration of Imperial prefects, the loaf would be quoted at a famine price in the market returns if it were not for Russian and American grains.

Gambetta is in Italy. He went there to ask the Marquis de Noailles if he would be ready to exchange his diplomatic post at Rome for the Ministry of Foreign Affairs, in the event of M. Waddington falling on the Blanqui question, or any other which might be raised by the majority in the Chamber in order to secure a more Republican premier. What answer was given by M. de Noailles I know not; but I learn that since the Speaker crossed the Alps he has written to his lieutenants in the Chamber to say that he thinks it would be impolitic to take issue with the Government, if it can possibly be helped, on the validation of Blanqui. The excitement caused by the election of Bordeaux is, I am glad to note, subsiding. Should his election be ratified, the Bonapartists talk of putting Bazaine forward as their candidate in Corsica. If returned, I am sure the ex-marshal would never be admitted to sit in the Legislature. He was degraded: Blanqui never was. On the score of unworthiness (*indignité*), apart from legal technicalities, the Chamber would have the admitted right to say to Bazaine: "You shall never be suffered to enter this House."

## Correspondence.

### THE DREADFUL BRIGADIERS.

TO THE EDITOR OF THE NATION:

SIR: In your article on "Sham Political Warfare," in No. 723 of the *Nation*, you say: "Nevertheless it is strictly and literally true that the object of the war . . . was to bring these 'brigadiers' back to Congress and compel them to participate in the working of the Government under the Constitution. That is what the restoration of the Union meant."

True it is: (1) but did we bring them back to work under the Constitution as it was when they left us, or as it *now* is, clarified, as the victors believe, by the blood of two hundred thousand men? (2) Are we to be so magnanimous as to forget and forgive, and restore by repeals the old, old laws? (3) Did we believe for a moment when we brought them back to this work that they would dare to question what we have foolishly imagined to be the settled issues of that bloody contest? (4) Pray what was settled by that expenditure of blood and treasure? Was it State sovereignty? A Congressional majority says not. Was it emancipation?

I am neither an alarmist, a Stalwart, nor a supporter of Grant or of Tilden. No "gloom" at the prospect of approaching revolution has been cast over my household. But when such dangerously feasible plans are announced for the restoration of the old régime as the majority now openly publish, when it is boasted that with a favorable Executive the Supreme Court can be increased and packed "to decide the reconstruction acts as well as the two fraudulent amendments unconstitutional, and thus restore the Constitution of the fathers," I must confess, Mr. Editor, that this line of conduct does not seem to be a participation "in the working of the Government under the Constitution."

5. Shall I believe that all these threats by the "brigadiers" will end in smoke? But what came of similar talk in the years before '60? Did it end in smoke? Did we not then call it "Sham Political Warfare"?

Is it safe to trust in the sincerity of the "brigadiers"? Pray answer me these sincere enquiries.

H. G. L.

CHICAGO, ILL., May 15, 1879.

[1. As it now is. 2. You are to be as magnanimous as you please, but you are to be governed under the Constitution by the acts and resolutions of the majority of the legislature, whether they repeal "old, old laws" or make new ones. 3. We do not know what you believed; everybody's beliefs differ, but unless you were a very simple-minded person you must have expected that in a free country, especially after a civil war, plenty of bad men and good would "dare to question" all sorts of things. 4. You will find what was settled for political purposes in the Constitution and the Revised Statutes and in several decisions of the Supreme Court. You must not trust to your own feelings on these points. A Congressional majority has said nothing about "State sovereignty." It has repealed some laws about the regulation of elections which were passed by another Congressional majority. This is the way free government is carried on. The best thing for you to do, if you do not like the conduct of the present Congressional majority, is to argue with those who voted for it in such fashion that they will vote next time for a majority of the other party. You will thus prevent all the dismal things foreshadowed in the last part of your letter from ever coming to pass. 5. The "similar talk" before 1860 ended in a bloody civil war. This, however, is a strong reason for thinking it will not end in the same way again. When you see a man walking towards a big hole into which he once fell and broke his thigh, you do not conclude, do you, that his design is to fall in again and break the other thigh? Great wars settle things among rational beings, even if they be naked savages.—ED. NATION.]

#### SOME ASPECTS OF THE NEGRO CONTROVERSY.

TO THE EDITOR OF THE NATION :

SIR : As the public seems so much interested in the negro question, your readers would perhaps like to hear something from a credible witness living in the central county of South Carolina. As to the *Times's* story about "shooting negroes on Christmas," etc., I depone that I have been a resident of "the Falk" of Richland, sometimes by its enemies called "the dark corner," where there is a very large colored population, for nearly seven years, and have not known a single instance of a white man's killing a negro. In a paper called the *Christian Statesman*, which one would think ought to be sure of its facts, the recent emigration is declared to have been *purely spontaneous and solely due* to the white man's *greed and oppression*. Such a statement in a paper professedly seeking moral and political reform, and circulated, I presume, mainly among the educated classes of the North and West, would seem to imply a very dense ignorance in regard to this whole question on the part of its supporters.

What may be the facts in regard to the relations of the negro laborer and his white employers in the Southwest I cannot say from actual observation, but in this part of the country I aver that the negro is as well treated and as little imposed upon as could be expected, human nature hereabouts being of the normal type. Everywhere, alas! men are tempted to abuse power and to practise extortion, and the negroes, being poor and ignorant, would suffer more or less from covetous greed whenever they came in juxtaposition with a superior race; but that they are more imposed upon by Southern people than they would be by Northern people or Europeans, or that there is any peculiar feeling of *hatred* to them felt by Southerners, I emphatically deny. We naturally don't wish to be ruled by them, and when by our enemies a race issue (politically) was forced upon us we were obliged to accept it; but apart from that, so far as I know, the feeling towards the negroes generally entertained is kindly. When laborers all over the civilized world are discontented and continually at war with their employers, is it to be wondered at that the negro laborer should in some instances (as in the Southwest) evince similar symptoms?

One principal cause of the negro's slow progress is his own *want of thrift*. They are, generally speaking, like children as regards the use of money. A child in a toy-shop will give his only five-dollar bill for a penny whistle if it strikes his fancy, and so the surplus money of the negroes is ordinarily all squandered about Christmas for what they fancy,

whiskey being largely consumed. When their cotton money is expended they bring their corn, then their peas and fodder, then their cottonseed, and consequently must begin the next year on credit and buy back the very corn which they sold in trade at 50 cents for \$1 50 per bushel; and on an average, I believe, this surplus, representing the earnings of a year, would be squandered in the same way if it was thrice as large. Some of them have by industry and exceptional thrift gotten on and accumulated property. This proves for the mass that it is not in their circumstances, but in "themselves that they are underlings."

Believing that you aim at the truth in this and all other questions, and that the value of this testimony will be enhanced by confessing the authorship, I make bold to send it, appending my name and title.

J. H. TILLINGHAST,

Pastor Zion Church, etc.

EASTOVER, S. C., May 9, 1879.

P. S.—The writer does not, be it understood, deny that the poor negroes are victimized to some extent by Southern greed and craft. Nor does he seek to *condone* it for an instant, but would rebuke that prejudiced or hypocritical denunciation of Southerners as "sinners above other men." What else was to have been expected but that such a population, naturally indolent and self-indulgent, endowed with intellectual capacity about on a level with Anglo-Saxon children in their teens, when turned loose suddenly upon the world would come to grief? As well expect "Moses" not to meet a sharper "at the fair."

#### THE LATE COLONEL ALSTON.

TO THE EDITOR OF THE NATION :

SIR : Montaigne closes one of his essays by saying: "In the judgment I make of another man's life I always observe how he carried himself at its close; and the principal concern I have for my own is, that I may die handsomely—that is, patiently and without noise." Measured by this standard your language in a March number in respect to Col. Alston, slain under the roof of the State-house of Georgia, though at the moment apparently justified by facts, is an estimate of him which those who knew him best regret should be accepted, and which the evidence adduced at the recent trial of his assailant has proved to be unjust.

Robert A. Alston, though reared in Charleston, came of the "Hali-fax Alstons," men of standing who had attained reputation in the Carolinas before the days of the Republic. It is true that they were "sudden and quick in quarrel," but I am not aware that they were charged with the errors and vices for which we must seek an apology when we discuss the character of too many public men that we know; they seemed to have kept to the spirit of the legend of the Fairfaxes as a rule of action, "*Say and do*," "Men's evil manners live in brass," and pending a great criminal trial it is not difficult to see that there were many motives for giving wide publicity to the alleged reputation of the family for violence—to the story of the *Herald* that "all the Alstons died with their boots on." Yet I would not say that the "correspondents" were advised of the use that might be made of such stories. It must not be forgotten that the traditions of agricultural districts savor of the permanence of the soil, and are but slowly uprooted; that the South owes its virtues as well as its follies to its position and its pursuits, that its interests are land interests, and have been continuously since the days of Raleigh and Albemarle, of Fairfax or Oglethorpe. It is not a century since private differences among the better classes of England were often enough settled with the straight sword or pistol, and we know that neither Hamilton nor Clay, Jackson nor Houston was superior to the tyranny of this tradition of the middle ages.

That the subject of these remarks was of a better mind and would have escaped the fate of too many of his family, the writer of this communication is personally advised. I know him as men only know each other who have shared the same bivouac, slept often under the same tree, in weary marches in the changing seasons together made friends with the summer and winter constellations, endured the heat of the one season and the slant rains of the other, soberly watched the dawn break of days either of which might be determined "*ultima dies*" to either or both. His purposes, like those of most of us, failed sometimes of worthy execution, but he had the better traits of his race in a marked degree. He said: "I shall teach my son the primitive virtues—to ride, shoot, and speak the truth." As a soldier he used his position in such a manner that *sans reproche* might not be separated from *sans peur* in any discussion of his conduct, as many who wore the uniform of blue might testify to as well as I.

In the Sherman march his residence shared the fate of war: doors and shutters unshipped, furniture plundered; his mother, advancing in years, left by the retiring army with an enemy at the open door heretofore unknown to the Alstons—want: nevertheless, during the summer of 1865 he addressed a letter to the *Tribune*—commented on editorially by Mr. Greeley—suggestive of ideas far in advance of the current opinion of the South at that day, admitting the conclusiveness of the settlement made by the arbitrament of arms, and seeking for his section every advantage, under such admission, which under a republican theory of government must be extended to the common citizens of a common country. Since then he has followed civil pursuits creditably, doing no violence, as I am aware, in practice to the theory of civil conduct he had suggested. I trust you will agree with me that in the discussion of an evil wide-spread in the South, perpetuated by family traditions and enforced by arguments every well-wisher to society would challenge, such a man as Alston, slain by an adjudged assassin, should not for the errors of his family or the last fault of his career be selected "to point the moral."

GALVESTON, TEXAS, May 17, 1879.

ARTHUR W. ANDREWS.

## Notes.

HOUGHTON, OSGOOD & CO. publish immediately 'Detmold,' a story, by W. H. Bishop, which appeared last year in the *Atlantic*; and 'Mono-metallism and Bi-metallism,' by J. B. Howe.—G. P. Putnam's Sons have nearly ready 'The Great Fur Land,' by H. M. Robinson, of which the magazine-reading public have already had an agreeable foretaste.—A select volume of sonnets, called 'Afternoons with the Poets,' is in the press of Harper & Bros.—R. Worthington announces 'The Souvenirs of Madame le Brun.'—A translation of Emanuel Geibel's 'Brunhild,' preceded by a brief account of the Nibelung Saga, by Prof. G. Theo. Dippold, of Boston University, is announced by Ginn & Heath, Boston; also a school edition of the 'Agricola' of Tacitus, edited by Prof. W. F. Allen, of the University of Wisconsin.—The third part of Mr. Leypoldt's 'American Catalogue' (Lenoir to Ri) is nearly ready, and will be published by A. C. Armstrong & Son, who hereafter will assume the business management of this admirable work. The fourth part, completing volume i., will probably not be delayed beyond September 1.—The Clarendon Press, Oxford, says the *Academy*, has engaged to publish the Philological Society's English Dictionary, of which Dr. J. A. H. Murray, now president of the society, is to be the editor. It will include all English words since 1100, and will illustrate each word, sense, and century with a complete quotation. In bulk it will be four times the size of Webster, and will be completed, it is hoped, in ten years, Part I. being set down for 1882. All who desire to help as "readers" will obtain hints and printed slips by applying to Dr. Murray, Mill Hill, Middlesex, N. W.—At the further sale of George Cruikshank's drawings and prints in London, on May 1, a pencil-drawing of Dickens as a young man, seated, brought \$102 50.—Williams & Norgate, London, have put forth the prospectus of a Theological Translation Fund intended to cover the expense of translating into English and publishing "the best results of recent theological investigations on the Continent, conducted without reference to doctrinal considerations, and with the sole purpose of arriving at the truth." Principal Tulloch, Prof. Jowett, Dean Stanley, James Martineau, H. Sidgwick, C. Kegan Paul, and T. K. Cheyne are among the sponsors of this enterprise. With the help of free donations to the Fund it is calculated that subscribers of one guinea annually can be supplied with three octavo volumes annually. The works of Keim, Baur, Kuenen, Bleek, Zeller, Hausrath, Nöldeke, Schrader, Scholten, Pfeiderer, etc., are among those specially contemplated. B. Westermann & Co. are the American agents.—We lately noticed the forthcoming *Art Amateur*, and now we have before us the prospectus of the *American Art Review*, "a journal devoted to the practice, theory, history, and archaeology of art." The managing editor will be S. R. Koehler, assisted by Dr. Wm. C. Prime and Charles C. Perkins; and the publishers will be Estes & Lauriat, Boston. The magazine is to appear monthly, and will resemble the *Portfolio* in giving with every number forty pages of letter-press and three full-page plates, one at least of these being an etching by a celebrated European artist. A series of original "painter-etchings" by American artists is also contemplated, besides reproductive etchings from the works of early American artists. Altogether the *Review* has a very promising outlook, and we have no doubt will be well worth its twelve dollars.—Mr. Arthur Gilman, Cambridge, Mass., has now ready

Circular No. 3 in relation to Private Collegiate Instruction for Women at Harvard, giving the courses of study for the year 1879-80. Details for chemistry are yet wanting. The Harvard Examinations for Women in this city, in twelve sessions, conducted by Prof. Child, began on the 28th instant and will close on the 4th of June.—The telegraph announced some time since that Ivan Turgeneff had been expelled from Russia, but the St. Petersburg correspondence of the Vienna papers gives a more detailed account of the affair. It appears that the Government was offended at the enthusiasm with which Turgeneff's lectures were greeted. Accordingly, the St. Petersburg superintendent of police called upon him and gave him plainly to understand that the Government had learned with displeasure that his person was made the object of "exciting manifestations," and that it would consider it a favor if he would put an end to such manifestations by going abroad. After Turgeneff's departure he was formally proscribed—i.e., banished for life.

—The Cincinnati Public Library published last year a monthly, or nearly monthly, Bulletin of recent accessions, which were bound together afterwards with classified and authors' indexes to the whole. This formed, with the exception of the catalogues to all the fiction published in 1876, the only catalogue accessible to the public since 1871, when Mr. Poole's of the 30,000 volumes then in the library was issued. The Library contained at the end of January 114,311 volumes and pamphlets, of which 11,603 were pamphlets. Since the beginning of this year, previous to which a broadside of titles (like that formerly used by the Boston Public Library for the use of the intended card-catalogue) was also printed, the Bulletin has been issued in a modified form with larger type, which will serve in different forms of printing as a monthly Bulletin, and as title-slips to be pasted for the card-catalogue. In their present form of cataloguing the pages of each volume are given with, we should judge, nearly bibliographical fulness. Some indication of the number of pages seems to be of some use, and the precision of the Cincinnati method, though it is doubtfully ever useful, is yet good and easily justified on the principle of doing a piece of work thoroughly. These Bulletins publish no notes excepting as indicating contents, or number of editions, etc.; and, as a matter between a librarian and his board of managers, we are not aware that he can be expected to do anything more. If he stores the books properly, and publishes a finding-list, in whatever form may seem best, anything further, as a bibliographical or comparative account of his books for the benefit of the public, is altogether supererogatory. A public may be grateful enough, and should be, for such work as Mr. Winsor did in Boston, but we do not understand how it can be supposed that a board of managers pays for such work in its librarian's regular salary. A class of literary experts and general and special students might well be attached to a library to instruct the public as to the merits of books, and their labors might be published with the Bulletins, but their functions would not differ from a critic's. No one supposes, probably, that the meritorious works of persons specially fitted for the task are to serve as a rule for all librarians.

—Mr. Cutter, at the Boston Athenæum, continues his very agreeable lists of additions, with selections from the best critical notices, which have the merit of being very interesting without committing the librarian himself to the views expressed. In case of a marked difference in the criticisms opposite opinions are sometimes given. With the number for April 1 Mr. Cutter begins to follow the altered spelling of "ten" words recommended by the American Philological Association, which are enumerated as ar, catalog, definit, gard, giv, hav, infinit, liv, tho, thru, wisht. In the number for April 22 a phonetic character for *ng* was used throughout, but it appears to have been set up in this instance by a misunderstanding, and does not occur in the last list. The Young Men's Association of Buffalo, by the way, is added to the number of the libraries for whom the Athenæum prints a special edition of its annotated list.

—The June *Atlantic* opens with a study of the condition of the operatives in Fall River by the anonymous contributor whose articles upon the laboring classes have attracted such wide attention. His report is, on the whole, more favorable than would be expected; he finds the source of the troubles of the operatives not in low wages or the grasping tyranny of the mill-owners, but in unhealthy sanitary conditions, bad and wasteful cooking, ill-ventilated and crowded tenements, sensational and socialistic reading, lack of healthful amusement, and the like. The operatives were generally contented, and were not in want; they were not individually much interested in labor reform; discontent and want were found among the unemployed, who were mainly not men who had

been discharged but new-comers in search of work. The female operatives he finds a more moral class than is usually supposed. The article deserves a careful reading for the uncolored information it contains and for the closing suggestions, which seem to us more practical than those which this writer at first put forth. This article is followed by a piece of plain-spoken and vigorous criticism, such as is rarely printed in this country, upon "Art in Engraving on Wood," by one of the best of Anglo-American engravers, Mr. W. J. Linton. He gives an excellent sketch of the early history of cutting on wood, but he warms up to his subject as he comes to what is called the "new departure," to illustrate which he takes up for detailed criticism the recent portraits of Emerson and Longfellow in *Scribner's*, and other minor cuts in the same magazine. He does not spare condemnation and ridicule; he writes vigorously, but it is clear that the source of his feeling is respect for his art and no other motive. He reserves his bitterest word for those who use "the fine-tooth comb"—i.e., a multiple graver by which several white lines are engraved at once; he points out the faults which result from its use so plainly that the most unskilled tyro can see his meaning. To read his article and refer to the illustrations in *Scribner's* and *Harper's* that he mentions will be an excellent lesson to any who wish to learn what makes the merit of a wood-cut. At the same time, if we except the multiple graver, Mr. Linton's strictures are really aimed less at those who cut the blocks on which Mr. Wyatt Eaton's and Mr. Kelly's coarse cartoons are photographed than at the artists themselves. The question, therefore, is one of draughtsmanship, at least primarily, and we should like to have another chapter from Mr. Linton on the proper mode of drawing on wood. The detail and definition of Bewick and his school, particularly in their backgrounds, seem opposed to the practice of tint-drawing which Mr. Linton recommends as the "more effective and painter-like method." Among the other articles Mr. Howells's story, "Buying a Horse," is entertaining and realistic, and "Irene the Missionary" goes on with more sprightliness; Mr. Aldrich makes a short plea for Dobson's poetic merits, and Mr. Warner extracts freely from Harrison's "England," under the title of "The People for whom Shakespeare wrote." The article by Mr. Beard upon the "Physical Future of the American People" is also deserving of mention. He prophesies a vigorous and healthy race in the thirtieth century.

—The question of the legality of State laws forbidding the marriage of blacks and whites has recently come up in Richmond before Judge Hughes. The laws of Virginia make such a marriage a penal offence, punishable with imprisonment. In violation of this law, Edward Kinney, a Virginia negro, had gone into the District of Columbia with a white woman, also a resident of Virginia, and there contracted a marriage with her, perfectly valid according to the laws of the District. On his return he was sentenced to the penitentiary, and applied for a writ of *habeas corpus*, on the ground that he was in custody in violation of the Constitution and laws of the United States. It was contended, first, that the imprisonment was in violation of the Fourteenth Amendment, making all natives of the United States citizens of the United States and of the State where they reside, and prohibiting any State from making or enforcing any law abridging the privileges of citizens of the United States, and from denying to any person within its jurisdiction "the equal protection of the laws." Judge Hughes decides that this does not prevent a State from abridging the privileges of its own citizens, and that its powers in this respect are those of sovereign governments, which of course may regulate the domestic relations of their inhabitants as they see fit. He cites the Slaughter-House and a number of other cases to show that the privilege of marrying belongs to the class of rights which a person has as a member of society, and is not in any way derived from his right as a citizen of the Union. Further, a statute prohibiting marriages between blacks and whites, which operates upon both races alike and equally, cannot be said to deny to any one "the equal protection of the laws." Section 1977 of the Revised Statutes provides that all persons shall have the same rights as to the making and enforcing "contracts" that are enjoyed by white persons. This has no application to the case, because it only refers to legal contracts. What are legal contracts must be determined by other considerations. Besides this, the section does not embrace contracts of marriage, any more than does the clause of the Constitution forbidding States from passing laws impairing the "obligations of contracts." As to the departure of the parties from Virginia for the express purpose of marrying in the District of Columbia, it appears that this also was made a penal offence by the Virginia statutes. It was maintained that the provision of the Constitution requiring each State to give "full faith and credit" to the public "acts, records, and judicial proceedings" of the other States

had an important bearing on the case; but Judge Hughes decides that this could have no further effect than to render indisputable the fact of the marriage and its legality under the laws of the District.

—The case is to be reheard, we believe, when Chief-Justice Waite is next in Richmond; but it is hardly possible, whatever disposition may be made of the *habeas-corpus* application, that the decision as to the effect of the Amendments upon the law of marriage can be shaken. In fact, it is a remarkable illustration of the confusion as to legal rights produced by the war that any one should have dreamt of attempting to upset such a law on the ground of unconstitutionality. It may be very unfortunate that the subject of marriage is not regulated by a national law, and many inconveniences and abuses may be pointed out which spring in great measure from the absence of such a law; but inconvenient or not, the notion that the States are prohibited from regulating the whole matter, or that the United States can intervene and ratify or annul marriages invalid or valid according to State law, is an idea which we should *à priori* have supposed could only obtain lodgment in the mind of a disciple of Justus Schwab or Citizen Maddox. It is noticeable, by the way, that the decision points to a means of making fraudulent divorces difficult to obtain which seems worthy of the attention of reformers. If laws affixing to marriages made outside of the State for the purpose of evading State laws the same penalties that would attach to them if contracted within the State are valid, there would seem to be no reason for not punishing persons obtaining fraudulent divorces in the same way. If, for instance, it were made a penal offence for any citizen of New York to procure a divorce outside the State for any cause which would not be a good cause within the State, it would at least have this effect, that persons who went to Illinois or Connecticut to procure such divorces would not return to New York; and the general adoption of such measures would make the few States which retained a lax divorce system a sort of matrimonial Botany Bay; and this is exactly what all States ought to be which attempt to break down the barriers thrown by society around marriage. All this we say without any reference to the Virginia law as to marriages of whites and negroes, which we regard as quite needless. The marriage of whites and negroes on any considerable scale is prevented by the natural aversion to such marriages on the part of the whites, and hence there is no need of any law on the subject. "Miscegenation" is an old bugbear which would never have attracted any one's serious consideration had it not been for the excitement and passion which any question connected with slavery aroused before the war. Southerners succeeded in persuading themselves at one time that there was a "hellish radical plot" on foot in the North to corrupt the blood of the white race by a system of promiscuous intermarriage; and many a conservative white parent in the old days before the war reasoned himself into the belief that it was necessary for him to vote the Democratic ticket in order that he might escape the danger of having his daughter "marry a nigger."

—The hottest summer of the decade was approximately predicted to occur the present season by Piazza Smyth, "Astronomer-Royal for Scotland," as he signed himself in *Nature*. His argument was: "Between 1837 and 1876 three great heat-waves struck this part of the earth [Great Britain], in 1846, 1858, and 1868½. The next such visitation may be looked for in 1879½, within limits of half a year each way." Our acceptance of this forecast, published in September, 1877, is weakened by the failure of his simultaneous prediction of severely cold weather a year and a half before and after said heat-wave—i.e., during the winters of 1877-8, and of 1880-1 if we may judge of Scotland from the neutral nature of the winter of '77-8 in this country.

—Breitkopf & Haertel, in Leipzig, have commenced the issue of a series of pamphlets, at a mark apiece, on musical biography, analysis of compositions of note, æsthetic questions, etc. They are to appear at irregular intervals, like the several series of brochures on scientific subjects. The four numbers which have so far appeared are on J. S. Bach, Wagner's "Siegfried," Schumann's "Faust," and the history of pianoforte music. From Leipzig also comes the news of the death of Richter, the distinguished musical theorist and cantor of the Thomaskirche. In him the Conservatory loses a man who has done more than any one else to establish its world-wide reputation. He has published a considerable number of compositions, embracing the departments of chamber-music, opera, oratorio, and pure vocal music. His settings of several psalms are regarded as his best efforts. His reputation, however, rests chiefly on his theoretical works. Of his admirable treatise on harmony eleven editions have been published in Germany, and it has

been translated into several languages. Equally valuable are his textbooks of counterpoint and fugue, whose weakest point is their bad literary style. As a man he is said to have been cold and reserved, except to his intimate friends. Nothing definite as yet is known in regard to the successor to his post, which was once held by the great Bach himself.

—In Italy two events have taken place which deserve to be recorded. Beethoven's glorious Ninth Symphony has received its first performance in Rome, and Mendelssohn's "Elijah" in Milan. According to German correspondents both the execution and reception were all that could be desired, although, of course, the ultra-Italians could not see the trees on account of the forest. They wanted to know what had become of the "melody." They kept quiet, however, and what that means those know best who have been in Italy. A Frankfort paper not long ago gave an amusing account of the behavior of which the Italians are still guilty in their opera-houses. Not only does everybody talk as much and as loudly as he pleases, but when, after an interval of dreary recitative, a fine melody arrives, several of your neighbors are sure to take it up and hum it along, and not *pianissimo* either. Besides this, ladies bring their squalling babies with them, and in the intervals between acts the members of the orchestra practise their solos.

—In some respects even this state of affairs appears to be preferable to the conditions to which composers are subjected at the other extremity of Europe, at St. Petersburg. Absolute despotism there extends not only to social, political, and literary affairs, but also to the publication of church music. The publishers of a new mass by Tchaikoffsky were recently visited by a deputation of the police, who confiscated all the copies issued, and forced a promise out of all the publishers not to print the composition again. Of this affair the *N. Berliner Musikzeitung* gives the following explanation: There is in St. Petersburg a great dignitary, the director of the Imperial Chapel, without whose permission no new sacred music whatsoever can be printed. Bribery and favoritism are the only motives by which his dictum can be controlled, and thus it has happened that while many an unknown composerling has been given an opportunity to afflict the world, men of real talent, like Glinka and Tchaikoffsky, are compelled to lock up their manuscripts in their desk or send them to Germany. This state of affairs is all the more surprising, since, in other respects, a good deal is done in the Russian capital to promote the interests of good music. Rubinstein, for instance, has been honored with various offices and functions, the title of hereditary nobility having, among other things, been bestowed on him. New works, also, are commonly received without the traditional prejudices so prevalent in other regions. Berlioz in his day was nowhere received with so much enthusiasm as in St. Petersburg, and Wagner has long since been introduced there. In less than two years he will also, without doubt, effect his entrance into the city which professes to be the brain of the universe. The Parisians are getting to be heartily ashamed of their irrational method of mixing up artistic with political affairs, as was shown the other day when the first act of "Lohengrin" was for the first time performed in their city with great success, not on the stage but by the courageous Padeloup in one of his popular concerts. The Parisians may console themselves with the knowledge that they are not the only mortals who have condemned what they had never heard, and they now endeavor to whitewash their conduct by pretending that their opposition was entirely based on political motives. But surely it would be too great a compliment to Wagner's rather commonplace, sarcastic comedy on the French to attribute to it the demonstrative enmity of a whole nation during almost ten years. One cannot help suspecting that a little want of musical culture also had something to do with the matter when one reads in the *Journal des Debats* that at a recent concert by the pupils of the Conservatoire the name of Schumann also, for the first time, figured on the programme.

#### THE COLOR-SENSE IN MAN AND ANIMALS.\*

THE teleological and anthropocentric view of nature, which regards every marvellous contrivance and every object of beauty as having been specially so created for the delight and gratification of man, never received a ruder shock than when the careful observations and experiments of Darwin, Lubbock, and H. Müller put into a clear light the wonderful relations between the vegetable and the animal world—between flowers, insects, and birds, and the peculiar manner in which they

react on one another. The varied and grotesque forms of the orchids and many other plants, instead of having been devised for the amusement of the botanist or the lover of nature, were shown to be developments of originally simpler forms, gradually modified by natural selection for the purpose of enabling particular winged insects or birds to visit them and deposit, in return for some nectar or honey, a few grains of pollen brought along from another flower just visited, thus enabling the former plant to secure the benefits of cross-fertilization and thereby gain an advantage over its rivals in the struggle for life. The same reasoning likewise applies to the colors and perfumes of flowers and fruits. Darwin showed that color is absent in flowers which are fertilized by the wind, and occurs only in those which are fertilized by the agency of insects; whence the inference that there must be some causal connection between the color-sense of insects, birds, and mammals and the origin of colored petals and fruits, whose function must be to attract guests for the purpose of fertilization or the dispersal of seeds, by guiding them to the nectar or the sweet juices of the plants.

The clear establishment of this principle and some of its consequences, by an accumulation of all the evidence bearing on it, is the chief task which Mr. Grant Allen has imposed on himself in his new volume, which, to a certain extent, may be regarded as a continuation of his former work on "Physiological Aesthetics." The color-sense of birds and butterflies, he thinks, has metamorphosed the world. Certain large masses of color in the inorganic world, such as the blue sky, the green sea, rocks, minerals, and precious stones of various hues, sunsets and the rainbow, as well as the green leaves of the forest and the diverse tints assumed by them in autumn, are due simply to conditions of molecular structure which it is the business of physical science to explain. But the countless hues of flowers, fruits, birds, and insects—these, he maintains, owe their existence in these places entirely to the color-sense of bees, butterflies, humming-birds, and other animals. To establish this theory it is necessary to prove two things: first, that the lower animals really share with man the power of discriminating between the various spectral colors; and, secondly, that there is in the vegetable world a natural tendency toward the production of colors other than green, thus affording natural selection an opportunity to bring about the changes in question through the agency of the brute color-sense. The first point is put beyond all doubt by the anatomical structure of the eyes of the lower animals (the presence of cones in most of them), by the careful experiments of Lubbock and Darwin on ants and bees, and by the existence of protective, warning, and imitative colors in so many species of animals, which prove that the enemies from which they are thus concealed must have a sense of color, for otherwise all these devices would be utterly useless. The second point Mr. Allen succeeds in putting on an equally secure basis in a long chapter on insects and flowers, which on the whole is the most original and valuable part of the book, although some of the details are open to doubt.

The author shows in an ingenious manner how all the active parts of plants which accumulate energy with the assistance of the solar rays are usually rendered green by the presence of the pigment known as chlorophyll: while, whenever any part begins to expend energy, as in buds or in the young sprouts of various bulbs, it tends to assume tints of red, blue, or violet. Now, plants are selfish enough not to expend energy unless, either directly or indirectly, there is something to be gained by it. In early geological epochs, when all flowering plants were as yet fertilized by the "unconscious wind," energy had to be thus expended in the production of vast quantities of pollen, in order to make sure that so unreliable an agent would actually accomplish its duty. This necessary over-production of pollen in wind-fertilized plants may still be seen nowadays in a pine forest, where the floor is often thickly covered with the precious yellow dust. At a later epoch, however, when insects had made their appearance on the face of the earth, a convenient method offered itself to plants by which to secure much more favorable chances of fertilization at less cost to their vital energies at that time.

"The stray flowering species which grew at rare intervals in the midst of the calamities and lepidodendra must have offered special attractions to insects (or their undifferentiated ancestors) in the shape of soft, edible, nutritious pollen. And as the insects travelled from one flower to another, carrying on their legs or heads the fertilizing powder, they would supply the plant with a cheaper and more certain means of impregnation than that afforded by the wasteful wind. Accordingly, any plants which offered special advantages to insects, in the shape of pollen, sweet juices, or soft edible matter, would thus obtain an extra chance in the general competition for a share of the earth's surface, and hand down the peculiarity to an ever-increasing brood of descendants."

\* "The Color-Sense: Its Origin and Development. An Essay in Comparative Psychology. By Grant Allen, B.A." Boston: Houghton, Osgood & Co.

In connection with these various baits would be developed, in course of time, petals and other attractive structures; and as these belong to the expenders of energy, they would tend to be of other hues than green, and would thus serve the insects as guides to their food. While in this manner the visits of insects gradually developed the colored petals of flowers, these, by way of reaction, continually improved and refined the color-sense of the insects, thus explaining the two oracular sentences in which Mr. Allen sums up this part of his work: "Insects produce flowers. Flowers produce the color-sense in insects."

So far, passing over a few details, we are in entire accord with the author, who, in truth, has only been working out some of the corollaries which necessarily follow from Darwin's fruitful theory of cross-fertilization. In fact, it would hardly be too much to say that the essence of all Mr. Allen has to say on the colors of flowers and fruits is contained in the 'Origin of Species' in the paragraph on Beauty, which is one of the most suggestive and wonderful pages in all scientific literature. But when we come to the question of colors in *animals* we no longer follow the author. He accepts and defends Darwin's theory of sexual selection, which attributes the fine colors and other ornaments of male animals to the deliberate and conscious (æsthetic) choice by the females of the more beautiful males. This doctrine has never received the approval of many even among those who in natural selection went full length with Darwin; and in 'Tropical Nature' Mr. Wallace has advanced a series of arguments against it which to us seem unanswerable. Mr. Wallace insists that in organic nature it is not so much the presence as the absence, and the peculiar variations, of color which need accounting for. He points out that color is a normal product in the surface-structures of animals, and is proportionate to integumentary development, being, therefore, most apt to occur in such delicate structures as the wings of butterflies and the feathers of humming-birds and peacocks. Brightness and intensity of color are, moreover, correlated with the greater vigor and activity and the higher vitality of the male. Now, as it is the strongest and healthiest males which will have the most complex and highly-developed dermal appendages, they will also be the most brightly colored; and, since they will have an advantage over weaker rivals in securing desirable females, they will also leave an equally vigorous and attractive offspring. *Natural selection*, therefore, accounts for all the phenomena in question, and, such being the case, the laws of scientific reasoning forbid the introduction of a new and superfluous principle of explanation. Mr. Allen, however, thinks he can save sexual selection by limiting its scope and contending that "only those animals display beautiful colors, due to sexual selection, in whom a taste for color has already been aroused by the influence of flowers, fruits, or brilliant insects, their habitual food." This, indeed, narrows down the problem, but does not remove any of the objections. For we may grant that in general those animals which live amidst flowers and fruits have a finer color-sense than others of different habits—a theory which is also supported by revelations of microscopic anatomy of which Mr. Allen does not appear to be aware—and yet it does not at all follow that these birds and insects are therefore competent to receive æsthetic pleasure from color intense enough to induce them to base their choice of mates on the slight variations in the brilliancy and harmony of tints in them. If we adopt the suggestion of Mr. Wallace, that the coloration in many cases is determined by the necessity of recognition at a distance, we have all that is here needed to account for the development of colors which do not come under the head of protective, warning, and imitative. Mr. Allen forgets that though evidence exists that in some cases females do exercise a choice of males, yet in no case has it been shown that this choice is determined by any peculiarity of coloring in the male. Add to this that in the vast majority of cases it is the bright-colored male, and not the dull female, that makes the selection, and that in the case of gaudy butterflies and caterpillars the exercise of an æsthetic taste in selecting a mate is altogether out of the question, and we must come to the conclusion that Mr. Allen has failed in his attempt to restore Sexual Selection to its lost position. Such, at any rate, is our conviction, after repeatedly perusing all the literature on this question, which is as yet not very extensive, though rapidly growing in extent. The senses of taste and smell are so directly connected with the vegetative system of animals that we may assume perfumes and sweet juices to be distinctly pleasurable to animals. But the ear and eye are so thoroughly intellectual in function that it seems most probable that the specialized colors and songs of birds are developed for purposes of discrimination and distinction of species, like the colors of flowers, rather than as means of æsthetic attraction to individuals of the opposite sex.

After thus differing with the author of the 'Color-Sense,' it is with all the more pleasure that we wish to record his complete success in demolishing in subsequent chapters the so-called historic-development theory of Gladstone, Geiger, and Magnus, which asserts that the color-sense of man is of recent origin—so recent, indeed, that Homer and his contemporaries had only vague ideas of red and yellow, while the more refrangible rays which constitute green, blue, and violet light seemed not to exist for them at all; and that even yellow and red gradually disappear from literary records as we go back a few centuries more, so that about three thousand years ago all men must have been totally color-blind. Almost as strange as this amazing theory is the fact that at first even some leading men of science, like Wallace and Haeckel, seemed disposed to accept it, although a careful examination of facts has now led to the conclusion that it is one of the most unsubstantial theoretical soap-bubbles ever blown by a scientific amateur. Mr. Allen adopts two methods of refutation. From archaeological records he gains evidence that among the ancient inhabitants of Egypt, India, China, Mexico, etc., all the principal colors were discriminated and employed for decorative purposes at a period long antecedent to that in which Geiger would place the beginning of the color-sense in man. Secondly, he prepared a number of circulars, which were forwarded to missionaries and government officials in all parts of the world, for the purpose of ascertaining the present condition of the color-sense among savages and semi-civilized tribes. The replies received "bore out in every case the supposition that the color-sense is, as a whole, absolutely identical throughout all branches of the human race." And, as he adds humorously, he has his opponents here by the horns of a dilemma from which they cannot escape. If they assert that the development of the color-sense is a question of relative culture, not of chronological order, he confronts them with the case of the modern savage; and if they assert that it is a question of chronological order, not of relative culture, they are silenced by the case of Egypt. It is to be hoped, accordingly, that we shall hear no more of these speculative fancies of philologists on matters psychological.

By the present volume, which, we may add, is written for the "general reader," and thoroughly intelligible and even fascinating throughout, Mr. Allen has not only made a valuable contribution to the youthful science of comparative psychology, but, in connection with his former work, he has done much in the way of relieving æsthetics from the opprobrium which the vicious methods of German metaphysicians had cast on it, as on all philosophy in general. 'Physiological Æsthetics' and the 'Color-Sense' may be regarded as the forerunners of a rich literature, which will utilize and develop the scientific theories of beauty given to the world by Darwin and Helmholtz.

*The Vicar of Morwenstow.* A Life of Robert Stephen Hawker, M.A. By S. Baring-Gould, M.A. (New York: Thomas Whittaker.)—This eccentric vicar was born in the south of England, in 1804. His wits were first shown in boyish pranks which made him the terror of the village, and were put to their first practical use at the age of twenty, when, on hearing that his father could no longer afford to pay his expenses at Oxford, he immediately started off and proposed marriage to his godmother, then forty-one years old and possessor of a comfortable annuity. By this manoeuvre he got his degree. Soon after he became a priest of the Anglican Church, and in 1834 was made vicar of Morwenstow, a hamlet on the coast of Cornwall, near the ruins of Tyntagel Castle, opposite Wales, and formerly the haunt of wreckers and smugglers. Here he spent forty uneventful years in the discharge of his duties and the display of his oddities. So far as we can make out, he was "the show" of the place, and many came every year to see the venerable church and its extraordinary vicar. He must have made a picturesque figure as he welcomed them: he was clad in a claret-colored coat with long tails, blue fisherman's-jersey with a red cross woven in where the Lord's side was pierced, fishing-boots above the knee, a flesh-colored beaver hat without a brim, and crimson gloves. He was for a time accompanied in his walks by a tame pet black pig, which followed him into ladies' drawing-rooms. He was fond of animals. We are told that "he was usually followed to church by nine or ten cats, which entered the chancel with him and careered about it during service. Whilst saying his prayers Mr. Hawker would pat his cats or scratch them under their chins." We find him writing to a friend for a lamb: "All my pets are dead, and I cannot endure my lonely lawn. I want some ewe-lamb 'to be unto me a daughter.' . . . I want soft-eyed, well-bred sheep, the animal that was moulded in the mind of God the Trinity, to typify the Lamb of Calvary." But his devotion to animals did not interfere with his kindness to men. He was a

liberal distributor of bottles of brandy and whiskey, it seems, in his parish; but of spiritual consolation, though we believe there was no lack of it, there is little record in this book. One of his principal occupations was the burial of the bodies of sailors wrecked on that dangerous coast, and the care of the saved, should there be any so fortunate. There is more than one vigorous account of storm and wreck or pathetic tale of distress told in the vicar's own words. He was superstitious and mystical—"medieval" and "oriental," the author says; he believed in witches, and could point out an old woman who had bewitched his pigs. If he made an error, however, he was witty enough to clear himself. Once, for example, he built a barn on an exposed position against advice, because, as he said, "I have placed the sign of the cross on it, and so the devil cannot touch it." Soon a gale tore the roof off. "The devil was so enraged," he said, "at seeing the sign of the cross on my barn that he rent it and wrecked it." He believed that "there was an atmosphere which surrounded men, imperceptible to the senses, which was the vehicle of spirit in which angels and devils moved, and which vibrated with spiritual influences affecting the soul." So he believed in signs, in the danger of plucking one of a circle of toadstools for fear of death in the family, in the death of the absent being announced by a crack of the table, and the like.

Besides this superstition and foolish eccentricity, he had a better endowment—a patient endurance of humble duties, a sympathetic and charitable heart, the courage and practical working power of an athletic man, a readiness and perseverance in serving the poor, and, what is most surprising, a spark of poetic fire. He wrote a Cornish ballad which deceived Macaulay and Sir Walter Scott, and several of his poems are full of rough strength and simple feeling. We cannot quote his best work, but here is a squib on Gladstone, with whom he was enraged for the disestablishment of the Irish Church, and on Disraeli, who sinned in the matter of the Public Worship Bill:

"An English boy was born a Jew, and then,  
On the eighth day, received the name of Ben.  
Another boy was born, baptized, but still  
In common parlance called the People's Will!  
Both lived impenitent, and so they died;  
And between both the Church was crucified.  
Which bore the brand, I pray thee, tell me true,  
The wavering Christian or the doubtful Jew?"

But his verse could descend very far, as in this stanza on original sin:

"Ah! woe is me! for I have no grace  
Nor goodness as I ought;  
I never shall go to the happy place,  
And 'tis all my parents' fault."

Thus, with his verses and superstitions, his friends and pets, storm and wreck, he lived his own life in his own way. His opinions he kept

to himself, and would not talk of his dreams and visions. When he was sixty his wife died and he married again. It was apparently an unfortunate step, for he was worried by anxiety over the future of the three daughters his second wife bore him, and she was responsible for his admittance to the Roman Catholic communion in which he died. He seems to have been paralyzed and incapable at the time, but the affair created a scandal and a gossip report that he had been a Catholic at heart for years. Mr. Baring-Gould makes a very plausible defence, and such long-continued deception from base motives seems wholly inconsistent with the character his acts show he possessed. He published several books in his lifetime, of which the Cornish ballads and the 'Vision of the Sangreal' are the most valuable. Woven in with his biography is a considerable amount of instructive and entertaining knowledge of manners and customs in Cornwall, historic reminiscences and records, as well as legend; those of the Granville letters here printed show how valuable an illustration of life in the seventeenth and eighteenth centuries the large number which were negligently lost in our own day must have been.

*Young Folks' History of Germany.* By Charlotte M. Yonge, author of 'The Heir of Redclyffe,' etc. (Boston: D. Lothrop & Co. 12mo, pp. 474.)—We are afraid that Miss Yonge is writing children's histories too fast for her reputation. As long as she worked in the field of English and French mediæval history, which she has at her fingers' ends, nothing could be better; when she leaves this familiar field and undertakes to do a similar work for other nations, she shows a lack of adequate preparation. This was seen in her 'Christians and Moors of Spain,' which we reviewed a few months ago; it is still more apparent in this 'History of Germany.' To choose a few examples out of many: Tacitus is said (p. 36) to have got his knowledge of the Germans during the campaign of Germanicus—at least thirty years before he was born; on the next page the German invasions are placed in the sixth century, while in the series of events is mentioned the crossing of the Danube by the Goths, which took place in 375. On page 47 the battle of Châlons is called Soissons. We have regular fleets in the seventh century (p. 55), and bishops invested with the dignity of count by Charles the Great (p. 64), which did not take place until the tenth century; while Brandenburg and Austria, as well as Carinthia are mentioned (p. 66) as "marks" organized by this monarch. On page 239 the apocryphal story of Huss's attempt to escape from Constance in a wagon of hay is told as an undoubted fact.

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